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A Functional Relationship Between NGOs, Humanitarian Efforts and Civil Society

by

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Prepared for the Second Annual Graduate Student Seminar
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Canadian Centre for Foreign Policy Development

The number of internationally recognized non-governmental organizations (NGOs) has proliferated and now stands at well over 3,000.(1) These NGOs play a vital role in many areas, including, peacebuilding. The intention of this paper is not to debate whether NGOs should play an active role in peacebuilding initiatives as their presence is almost guaranteed and is often called for by governments.(2) Therefore, the purpose of this paper will be to outline and critically discuss a strategy for international NGOs to follow in regard to peacebuilding. Ultimately, this paper examines what might be discussed under the rubric a long and short-term strategy: the first strategy entailing a progressionary deployment of NGOs according to their mandate and the latter encompassing the involvement of civil society and the development of an organization to oversee NGO activity.(3) Understanding the purpose of this paper, it should be noted that this discussion is not meant to be normative in nature; rather, it is meant to simply acknowledge the positive and negative aspects of a possible peacebuilding strategy. However, before discussing such a strategy, it is useful to briefly examine the concept of peacebuilding and the need for an integrated approach.

Peacebuilding: The Need for an Integrated Approach

International NGOs, governmental organizations and intergovernmental organizations have been involved with many peacebuilding initiatives. However, the strategy of such organizations often appear to be purely improvised. Actors are frequently selective about the situations in which they involve themselves: "external support for post-conflict recovery remains a voluntary and essentially ad hoc enterprise."(4) This means that some situations receive a great deal of attention while others receive very little. Furthermore, those countries that do become the focus of the international community, such as Bosnia or Kosovo, often experience a sudden influx of various 'humanitarian' workers. While the intentions of such workers may be good, inadequate coordination and the pursuit of different goals often lead to unfortunate consequences, including:

incoherent strategies; incompatible projects; redundant initiatives; gaps in assistance and; insufficient accountability.(5) Indeed, these problems work against the goals of peacebuilding.

The concept of peacebuilding is relatively new. It alludes to a means to ensure human security which recognizes human rights, fundamental freedoms, the rule of law, good governance, sustainable development and social equality.(6) According to Canadian Minister of Foreign Affairs, Lloyd Axworthy, peacebuilding refers to a collection of efforts which help countries to develop socially, politically and economically with human security being a vital concern:

> [Peacebuilding refers to] a package of measures to strengthen and solidify peace by building a sustainable infrastructure of human security. Peacebuilding aims to put in place the minimal conditions under which a country can take charge of its destiny, and social, political and economic development becomes possible.(7)

This integrated approach to peace stems from Boutros Boutros-Ghali's concept of 'post-conflict peacebuilding' which was introduced in *An Agenda for Peace* (1991). At this time, he defined the concept as: 'collective action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict.'

Understanding the concept of peacebuilding and the need for a coherent, integrated approach, the question now becomes what kind of a strategy would be most effective? As was noted earlier, this paper will discuss one possible strategy which entails both short and long-term goals. While activities that are undertaken immediately may help to improve the situation of a country in the short-term, their effectiveness suffers if they are not coupled with a long-term vision: "the problem with quick in-and-out operations (Zaire is an example) is that their emphasis is on rapidity and short-term commitment is antithetical to the cumulative approach required for peacebuilding."(8)

Towards a Short-term Peacebuilding Strategy

A short-term strategy for peacebuilding should allow for immediate assistance and the initial development of the infrastructures necessary to establish human security in countries. However, it is critical that such a strategy is coordinated to avoid the consequences, such as incompatible projects and redundant initiatives, which were discussed earlier. Given this, it may be suggested that the progressionary involvement of different types of NGOs or NGOs with different mandates, may allow for a solid foundation which is fundamental to the peacebuilding process. Essentially, it may be suggested that there is a functional relationship between various categories of NGOs, where each type is able to build upon the work of the other and where the success of one type is dependent on the others and the effectiveness of peacebuilding in general is dependent on the cumulative efforts of all types.

NGOs operate under many different mandates; this allows us to classify them into various typologies. For the purpose of the strategy being discussed here, there are three primary types of NGOs which can be identified, and are fundamental to the peacebuilding process in post-conflict situations: relief NGOs, human rights NGOs and development NGOs(9). It should be noted that this is somewhat simplifying the activities of many NGOs as many operate according to mandates which span all three typologies. Medecins sans Frontieres, for example, involves itself in relief efforts by providing emergency medical assistance, they alert the international community as to potential human rights abuses and are actively involved in development through their work with civil society and authorities. Nonetheless, there is a tendency in the literature on NGOs to attempt to classify them by mandate.

Relief NGOs are those, such as the Salvation Army, which concentrate on providing necessary emergence assistance. This may include such things as food, clothing, water and medical aid. Under the short-term strategy being discussed here, it may be suggested that such organizations become involved in peacebuilding initiatives before those which are focused on human rights or development. This is not to belittle the importance of the latter typologies, but is to suggest that the effectiveness of the human rights organizations, and especially of the development organizations, is correlated to the work of the first typology. This is due to the fact that the work of those involved in this first initiative facilitate the appeasement of de-stabling forces which makes it easier for those involved in the activities undertaken by the second and third typology to function.(10)

After relief efforts have improved the situation of the people, human rights NGOs, such as Amnesty International or Human Rights Watch, may be in a better position to conduct their activities. The activities of this second type of NGO has three important functions. First, they gather and expedite the flow of information concerning the human rights situation of countries. This is essential in providing a general awareness of specific human rights situations. Second, they can pressure governments into examining specific cases and to adhering to various rights. Third, they can provide education in efforts to facilitate a general change in attitudes.(11) These functions are vital to the establishment of human security.

Once a foundation for human security is initiated, development NGOs will have a stronger basis on which to begin the construction of infrastructure to improve the quality of living. For example, NGOs such as Oxfam work to improve sanitation, and to provide the means for safe drinking water. Similarly, NGOs, such as Save the Children, focus on the origination of educational and medical facilities and the establishment of basic infrastructure, including, roads and water supply. Such infrastructure is integral to the ability of people to be economically productive.

Such a progressionary approach to NGO involvement may be considered propitious for two reasons. First, it has the potential to move the process of peacebuilding beyond what has traditionally been seen as an ad hoc enterprise, to a collective effort based on the needs of people. Second, it has the potential to slow the influx of humanitarian

workers into countries in need of peacebuilding. This would be beneficial as the sudden appearance of thousands of humanitarian workers can be detrimental to the peacebuilding process in many ways. For example, in many cases the workers will have to find places to stay and eat. Often, under the assumption that such workers are well established financially, inflation occurs and the cost of living increases. This, in turn, perpetuates further poverty. While this may not always be the case, one could argue that there are other consequences to the sudden influx of workers; including, the psychological affect on the people of the country. However, in recognizing some of the positive aspects of this strategy, it is also necessary to discuss some of the negative.

One of the fundamental problems with the strategy that is being discussed is that it assumes that all situations will require the same progressionary involvement of NGOs. Indeed, this is not the case. Different situations will have different needs as a function of existing infrastructure and as a function of the needs of the people. The nature of the conflict and of the state may also impact the type of approach that is needed in regard to peacebuilding.

Another aspect of this strategy which may be considered problematic concerns the inevitable overlap of the functions of different types of NGOs. This is in part due to the difficulty in classifying NGOs into different typologies. Indeed, one could argue that classifying NGOs into categories based on specific functions is not useful as it is impossible to divorce one function from another. This is particularly noteworthy in regard to human rights. More specifically, it is difficult to argue that human rights should be given little attention until the later stage of a peacebuilding operation, especially when those NGOs classified as relief NGOs are in a benignant position to alert the international community to human rights violations and to begin to establish a general awareness about human rights.

A further problem in regard to a progressionary, functionalist approach is that it is difficult to speculate a time frame for the progression of the various NGOs. Indeed, it is difficult to say when the functions of the first type of NGOs have been fulfilled to the point where the second or third type are in a better position to begin their work. Understanding these problems as well as the positive aspects to a progressionary approach to NGO involvement, we are now in a better position to examine and discuss a long-term peacebuilding strategy.

Towards a Long-term Peacebuilding Strategy

A long-term strategy for peacebuilding should ensure that countries have the support that they need to sustain the efforts and environment instituted by those organizations involved in the short-term process. This does not mean that all organizations involved in short-term initiatives will abandon their projects, but it is a possibility that must be accounted for and, those that do continue there work may need help, in terms of various resources, to be able to sustain their efforts. There are two critical components to a long-term peacebuilding strategy: the mobilization of civil society and the development of an agency to oversee and coordinate the work of NGOs in various

countries.

Before discussing the relationship between civil society and peacebuilding, it is first necessary to briefly examine the concept at hand. There are two distinct perceptions of what constitutes civil society. The first draws on the work of scholars such as Alexis de Tocqueville. This view of civil society is grounded in democracy and may be defined as:

> ...a rich fabric formed by a multiplicity of territoriality - and functionally based units. The strength of civil society is measured by the peaceful coexistence of these units and by their collective capacity to simultaneously resist subordination to the state and demand inclusion into national political structures. The public character of these societal units allows them to justify and act in open pursuit of their collective interests in competition with one another.(12)

Others, such as Antonio Gramsci, would argue against the democratic nature of de Tocqueville's concept defining civil society as a sphere that is dominated by the ruling strata and is most often dominated by the state. Indeed it would be a fallacy to argue that civil society is always free from state influence, or that the establishment of a strong civil society will always enhance democracy. Therefore, for the purposes of this paper, civil society will not be defined in terms of the state, or democracy, but will simply refer to a sphere where citizens are able to "associate according to their own interests and wishes."(13) Indeed, whether civil society represents some state interest, or has the capacity to stimulate democratic institution building will vary from situation to situation, however, the necessity of working within civil society for sustainable peace is clear.

The mobilization of civil society is essential to successful peacebuilding initiatives: "sustainable peacebuilding requires the identification, support and harnessing of indigenous resources. If peacebuilding is to be sustainable, it will need to be 'indigenized.'.....A bottom-up approach is likely to be more sustainable and cost-effective in the long term."(14) Those NGOs involved in the initiatives discussed under the short-term strategy need to work with the local people in the countries where peacebuilding is occurring. Civil society actors need to be trained so that they can continue the work of existing NGOs, or establish organizations of their own. Such training would entail such things as particular professional skills, how to establish an organization, how to run an office, how and where to request funding, how to interact with other NGOs and how to interact with inter-governmental organizations. In many cases, NGOs already recognize the importance of civil society to sustainable peace. Medecins sans Frontieres again serves as an excellent example. Not only does this organization participate in relief efforts by delivering emergency medical assistance, it also provides training to local personnel.

In mobilizing civil society NGOs must take some precautions. They have to be careful that they are not empowering any one group at the expense of others. Similarly, they

must also endeavor to create a working atmosphere with less ethnic tension than in the rest of society if ethnic tension is a concern. More specifically, collaboration among civil society actors needs to be encouraged. Furthermore, NGOs working within a country must minimize conflict and competition with other NGOs. The second component to a long-term strategy may help toward this end.

The second critical component of a long-term strategy concerns the development of an organization to oversee the work of NGOs and civil society organizations in specific countries. This would help to coordinate their activities and could serve as a resource which the organizations could consult for information, help and to learn of the activities of their counterparts: "you cannot coordinate properly when you do not know what your counterpart is doing, or vice-versa."(15) There are various proposals made for the development of such a coordinating institution, however, due to the constraints of time and space this paper will focus on the example offered by the Organization for Security and Cooperation in Europe (OSCE).

The OSCE has been working closely with NGOs since 1975. At the OSCE Budapest Summit in 1994, a formal relationship between the OSCE and NGOs was established. At this time, OSCE missions were requested to appoint an NGO liaison to work with the NGOs in their respective areas.(16) Included in this new arrangement was increased access of OSCE documentation, seminars and workshops for NGOs. This organizational mechanism is useful as it allows NGOs and civil society organizations increased access to training and resources. It also facilitates networking and provides them with a contact which they can consult to determine the activities of other organizations in their region. This has the potential to help to reduce some of the consequences that result as a lack of organization.

It should also be noted that such a relationship is also beneficial to the OSCE. Through regular contact with NGOs the OSCE can be well informed of the activities of NGOs and civil society organizations in a given area. This may allow them to determine if there are weak areas in the peacebuilding initiative. Furthermore, the establishment of a relationship between NGOs and the OSCE also provides a point of reference which may serve useful as an early warning mechanism. More specifically, NGOs may warn the OSCE of any potential threats to the peacebuilding process. Indeed such a mechanism is thought to be vital to sustainable peace, preventing a resurgence of violence: "early warning mechanisms may be helpful for monitoring the disintegration of political, legal, social and economic structures that increase the likelihood of violent conflict."(17)

It should be noted that there are some problems with the establishment of such an organizational relationship. The primary problem is that the relationship detailed above is relatively informal. It can benefit the OSCE, NGOs, civil society and the international community, however, it relies on the cooperation of NGOs which can be difficult at times due to a lack of time, money, personnel and other resources as well as such things as language barriers. Having the OSCE as the implementing agency for this relationship may also be considered problematic and the organization does not have a worldwide presence. However, this relationship may serve as a useful model for

the establishment of similar relationships with other organizations. This paper, under the rubrics of short and long-term strategies, has outlined and discussed a peacebuilding strategy which is based on the progressionary involvement of different types of NGOs, the mobilization of civil society and the establishment of an organization to oversee the work of NGOs and civil society. This is a broad argument that provides one possible framework for the development of an integrated and coordinated peacebuilding strategy. However, it must be stressed that this is simply one framework and that there are many details that remain to be considered that, for the purposes of economy of space, where not able to be considered here. Nonetheless, the positive and negative aspects of the strategy discussed here allow for further reflections on the kind of framework that has the potential to facilitate the periodic and systematic exchange of information between those actors involved in peacebuilding. Such an exchange is essential to peacebuilding efforts as it has the potential to lead to a greater transparency between the actions of different actors, which is often considered to be one of the fundamental gaps in the peacebuilding process.

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Footnotes

1. David Lewis, "Development NGOs and the Challenge of Partnership: Changing Relations Between North and South," Social Policy and Administration, V32, 1998. Pg. 501

2. In his speech to the United Nations, Llyod Axworthy calls for cooperation with NGOs in peacebuilding efforts. He states that they are vital to peacebuilding efforts on "two counts: (1) because we find ourselves operating where security is acute, and (2) because we are engaged in delivering services on which security depends." NGOs are also thought to be fundamental as they "bring significant financial resources, skills, understanding and political commitment to the international community's collective peacebuilding enterprise."(Canada and Peacebuilding - Government/ NGO Consultations. http://www.dfait-maeci.gc.ca/peacebuilding/gngo_report-e.asp).

3. The strategy being discussed here, particularly in relation to short-term initiatives, is very loosely based on the document outlining patterns of peacebuilding and the role of the Canadian government. See Canada and Peacebuilding: http://www.dfait-maeci.gc.ca/peacebuilding/pcs_patterns-e.asp.

4. Shepard Forman, Stewart Patrick and Dirk Salomons, Recovering from Conflict: Strategy for and International Response, (New York: Center on International Cooperation, New York University). Pg. 17

5. Recovering from Conflict: Strategy for an International Response. Pg. 17-18

6. Canada and Peacebuilding - Governement/ NGO Consultations.

7. Notes for an Address by the Honourable Lloyd Axworthy, Minister of Foreign Affairs, at York

Univeristy: Building Peace to Last: Establishing a Canadian Peacebuilding Initiative. Http://www.dfait-maeci.gc.ca/engli...ws/statements/96_state/96_046e.htm

8. Kenneth Bush, "Beyond Bungee Cord Humanitarianism: Toward a Developmental Agenda for Peacebuilding," Canadian Journal of Development Studies, Special issue, 1996. Pg. 81

9. It should be noted that there are other types of NGOs beyond those which are discussed. For example, those NGOs which deal with disarmament or de-mobilization.

10. Canada and Peacebuilding

11. Tim Dunne and Nicholas Wheeler eds, Human Rights in Global Politics, (Cambridge: Cambridge University Press, 1999). Pg. 288

12. Michael Gray, "Creating Civil Society? The Emergence of NGOs in Vietnam," Development and Change, V30, N4, Oct. 1999. Pg. 695

13. Thomas Carothers, "Civil Society: Think Again," Foreign Policy, Winter 1999-00. Pg. 18

14. Beyond Bungee Cord Humanitarianism, Pg. 82

15. Alvaro de Soto and Graciana del Castillo, "Obstacles to Peacebuilding," Foreign Policy, Pg. 75

16. Organization for Security and Cooperation in Europe, Study on the Enhancement of NGO Participation, Vienna: Organization for Security and Cooperation in Europe, September 1995. Pg. 3

17. Beyond Bungee Cord Humanitarianism, pg. 82

Finding a Niche: NGOs as Peacebuilders

by

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> Our action is to help people in situations of crisis. And ours is not a contented action. Bringing medical aid to people in distress is an attempt to defend them against what is aggressive to them as human beings. Humanitarian action is more than simple generosity, simple charity. It aims to build spaces of normalcy in the midst of what is profoundly abnormal. More than offering material assistance, we aim to enable individuals to regain their rights and dignity as human beings.
>
> - Dr. James Orbinski,
> President Médecins Sans Frontières
> Nobel Peace Prize Speech
> December 14, 1999

In this brief essay I assess the role of non-governmental organizations (NGOs)[(1)] as peacebuilders in the 1990s. A new world order has emerged in which NGOs have been called upon to play a significant role. As the paradigm of global politics has shifted, as the ability or willingness of states to intervene - unilaterally or multilaterally - is reduced and as NGOs offer clear strengths and capabilities, NGOs enjoy an increased prominence in peacebuilding efforts. In short, the efforts of NGOs comprise a vital part in contemporary efforts to eliminate conflict and preserve peace. Nevertheless, many observers assert that to date, this action has had mixed results. They point to a failure between state, institutions and NGOs to properly co-ordinate efforts, the limited capabilities of certain NGOs, of the politicization of NGOs and a lack of accountability and transparency.

The paper will first look at the new context of NGO involvement. To this end, the paper discusses the new world order and the complexities and challenges presented by modern conflict. Second, I examine the contributions NGO have made to peacebuilding over the past decade. Third, the paper critically analyzes the

complexities and challenges presented by NGO participation in interventionist activities. Last, I conclude with a few remarks on how NGOs might work towards finding their niche as peacebuilders.

A New World: Challenges and Opportunity

As a new world order has emerged from the end of the Cold War, it is clear that the nature of conflict has changed greatly. The predictability and simplicity of the bipolar, Cold War era has vanished. Instead, we now live in an era of transition, which is defined by contradictory challenges of globalization and fragmentation, peace and conflict, prosperity and poverty. In addition to the continued threat of interstate conflict, the international community has faced the disturbing nature of intrastate conflict. Such conflicts are often based on ethnic or religious tensions; which often breed civilian victims, regional escalation and floods of refugees. In such cases, conflict is said to have been "civilianized," as individuals - not states - are the principal victims, targets and instruments of war. The complexity of these conflicts has produced new demands on the international community for intervention.

Francis Kofi Abiew and Tom Keating have recently written that "at the close of one of the more infamous centuries in recorded history, we must also acknowledge one of its most violent decades, marked by two apparent contradictory trends in international politics."(2) According to Abiew and Keating, the first trend is a substantial increase in violent conflict, much of which took the form of civil wars with many of the victims being civilians. For instance, in 1996 all of the major conflicts in the world were civilian or intrastate in nature. This is in stark contrast to the expectations many had for the 1990s. The end of the cold war was to provide a peace dividend in which human rights, democracy and development would be emphasized. Thus, Abiew and Keating note that increased conflict has been contrasted by a second prominent feature of international politics in the 1990s - an emphasis on individual human rights and human security. In addition to an expansion in declarations and charters by international organizations, there was a significant increase in the number, variety, scope and prominence of interventions based on humanitarianism. Abiew and Keating observe:

Motivated, it seems, by a concern for human rights and a sense of urgency in the face of the scope of humanitarian and political disasters in all regions of the world, a variety of individuals groups, governments, and organizations intervened in the affairs of other countries in the hope of contributing to a more stable, peaceful, and just world. Within this context the theory and practice of peacebuilding emerged as a central part of what the rest of the world has to offer to divided societies.(3)

As a result, while it appeared for a short time that international politics in the 1990s would be defined by peace, stability and cooperation, this new form of conflict presented a great challenge to the international community. But with every challenge comes opportunity and the early 1990s saw certain nation states embrace the interventionist mantra as NGOs also discovered their potential as peacebuilders.

Peacebuilding and NGOs

The Carnegie Commission on the Prevention of Deadly Conflict has defined peacebuilding - or "structural prevention" - as "strategies to address the root causes of deadly conflict." This is compared with "operation prevention" which consists of the strategies and tactics in the face of crisis. In other words, peacebuilding is concerned with the longer term reconstruction and development of society as to prevent deadly conflict.(4) The Canadian Minister of Foreign Affairs, Lloyd Axworthy, has defined peacebuilding as "a package of measures to strengthen and solidify peace by building a sustainable infrastructure of human security. Peacebuilding aims to put in place the minimal conditions under which a country can take charge of its destiny, and social, political and economic development become possible." Axworthy adds:

I see peacebuilding as casting a life line to foundering societies struggling to end the cycle of violence, restore civility and get back on their feet. After the fighting has stopped and the immediate humanitarian needs have been addressed, there exists a brief critical period when a country sits balanced on a fulcrum. Tilted the wrong way, it retreats into conflict. But with the right help, delivered during that brief, critical window of opportunity, it will move towards peace and stability.(5)

The ethic of peacebuilding appears to have first been raised by the former secretary general of the United Nations, Boutros Boutros-Ghali, in his 1992 *An Agenda for Peace*. Boutros-Ghali designated peacebuilding as an "action to identify and support structures which will tend to strengthen and solidify peace in order to avoid relapse into conflict."(6) While he limited peacebuilding to post-conflict support of peace agreements and the rebuilding of torn societies, many observers have since expanded the purpose of peacebuilding. John Lederach has asserted that "peacebuilding is more than postaccord reconstruction... peacebuilding is understood as a comprehensive concept that encompasses, generates, and sustains the full array of processes, approaches, and stages needed to transform conflict toward more sustainable, peaceful relationships. The term thus involved a wide range of activities and function that both precede and follow formal peace accords."(7) Barbara Shenstone of *Care Canada* has also noted:

Peace efforts since 1995 have recognized that peace is built from the bottom up as well as from the top down - by addressing the individual and human dimension - real people's needs, feelings, and aspirations - and not only focusing on formal structures, national institutions, or power elites. Some approaches now emphasize the psychological, spiritual, and relational dimensions of war and peace. They attempt to address the emotive and attitudinal effects of war - dissolved hatred, suspicion, fear, anger, and hostility.(8)

Herein lies the opportunity and responsibility of civil society in peacebuilding. NGOs are able to complement and often improve, traditional state-centric methods of humanitarian relief and development.

The promise that NGOs offer as peacebuilders has led some observers to note:

The great strengths of NGOs - flexibility, speed of reaction, comparative lack of bureaucracy, operational and implementation capacity commitment and dedication of the usually young staff - are particular advantages in emergency work. In addition, the political independence of the NGOs, not bound by the rules of the UN Charter, gives them a strong comparative advantage in increasingly complex internal conflicts.(9)

As conflict is frequently of a transborder nature, NGOs present a particular ability to overcome the natural tendency of states and institutions to respect sovereign borders. Moreover, it is well documented that NGOs possess other comparative advantages, such as: the strength to respond quickly to crisis situations; an ability to reach the poorest and most remote areas; a capacity to promote local participation and to implement programmes in direct collaboration with target beneficiary groups; a means to operate on low costs; a aptitude to strengthen local institutions; and the empowerment of marginal groups.(10)

An important dimension of NGO involvement in peacebuilding is that they are capable of filling gaps that neither international organizations, nation states or local institutions can address. In this regard, it is important to differentiate the spheres of humanitarianism and politics. While both are vital to the fulfillment and sustainability of peace, their role in peacebuilding is quite distinct. Dr. James Orbinski of *Médecins Sans Frontières* recently stated:

Humanitarian action takes place in the short term, for limited groups and for limited objectives. This is at the same time both its strength and its limitation. The political can only be conceived in the long term, which itself is the movement of societies. Humanitarian action is by definition universal. Humanitarian responsibility has no frontiers. Wherever in the world there is manifest distress, the humanitarian by vocation, must respond. By contrast, the political knows borders, and where crisis occurs, political response will vary because historical relations, balance of power, and the interests of one or the other must be measured. The time and space of the humanitarian are not those of the political.(11)

However, as one distinguishes humanitarianism and militarism in peacebuilding, one must also discover how they can work together. Clearly, both have limitations and their respective strengths must be maximized in harmony to advance the peace agenda. Although NGOs bring a great deal to the table, their work is not a substitute for definitive political will and action. As Orbinski declared: "No doctor can stop a genocide. No humanitarian can stop ethnic cleansing, just as no humanitarian can make war. And no humanitarian can make peace. These are political responsibilities, not humanitarian imperatives."(12) Thus the challenge to NGOs are both to address the difficulties of the contemporary world, but also to overcome the frequent neglect of the political. Perhaps the greatest difficulty in present peacebuilding operations is an apparent withdrawal by the U.N. Chastened by its experiences in Somalia, Bosnia, and

Haiti, the United States is hesitant to lend its leadership or support - both financial and political - to peacebuilding operations and his withdrawn its financial support of international organizations. The result has been that NGOs are faced with not only filling the gap of political action, but assuming - by default - many of its responsibilities.

There has been a great increase in the roles and tasks for NGOs in peacebuilding efforts. As the world faces more complex and difficult forms of conflict, NGOs represent great potential as peacebuilders. The questions remain: Has the potential been realized? What are the particular challenges facing the realization of this promise? How can the peacebuilding efforts of NGOs be improved?

Mixed Results

Possibly one of the greatest concerns with the role of NGOs as peacebuilders in the 1990s has been the potential politicization of their action. At the most basic level, the very presence of a foreign individual or organization in a conflict zone is a political gesture. However, it is the nature of recent conflict, where control, manipulation, and even extermination of entire populations are the very means of war, which makes the impartial stance of NGOs increasingly difficult to maintain.(13) The confusing nature of intrastate conflict is one where belligerents are rarely concentrated or visible; and where it is often difficult to distinguish between civilians and soldiers or enemies and allies.(14) Unfortunately, NGOs, with the best of intentions, can be caught in the middle and the doctrine of neutrality is challenged. Moreover, many organizations feel they have a duty to speak, to "bear witness" and to take strong positions of advocacy towards host governments and international stakeholders. Conflict zones present a dilemma to impartiality, particularly in situations wherein domestic authority is contested and no faction has been collectively branded as the aggressor.(15)

The record of NGOs as peacebuilders in the past decade has demonstrated that conflict presents political minefields for all concerned. Commentators note that in such conflicts as Somalia, Rwanda, Bosnia, Ethiopia, Angola, the Sudan and Mozambique, humanitarian aid was manipulated by belligerents.(16) In some cases the boundary between the political and humanitarian erodes and suddenly - without any intention - NGO action can have an influence on the military and political character of conflicts. In considering the issue of politicization, Hugo Slim makes an important observation by stating:

NGOs' effectiveness in responding to the suffering of civil wars is heavily dependent on the quality of its people. To operate effectively within the international, regional and local politics of today's civil wars, NGO workers must embody a combination of political sophistication, humanitarian principle and operational imagination. Unless they have adopted a position of solidarity, they must be nonpolitical, but must have a detailed political analysis which informs their work. they must have an understanding of conflict and the role of third parties within it.(17)

Another difficulty often cited with NGO involvement as peacebuilders, is based on the

sheer number and variety of agencies involved in response to civil conflicts. Lines of coordination and responsibility in such situations are often blurred and accountability becomes a difficult practice to implement. For instance, the Bosnia intervention included nine agencies and departments of the United States government, a dozen other governments, seven international organizations, and 13 major NGOs - from the Red Cross to the International Crisis Group to the American Bar Association.(18) While co-ordination between NGOs and international/national military forces is an ongoing difficulty, so is competition and rivalry amongst NGOs. In his thorough study of the Red Cross in a 1997 issue of *The New Yorker*, Michael Ignatieff wrote:

Interagency competition for donors, headlines, and victims is now a vast, unruly humanitarian bazaar, and the ICRC is struggling to be heard above the din and to maintain its principles. Its doctrine of neutrality is called into question by organizations like Médecins Sans Frontières...(19)

According to Shenstone, as agencies engage in rivalry with each other for control and management of the peace effort, NGOs become vulnerable for manipulation by host belligerents, confused over roles and run the risk of a great deal of misplaced activity.(20) Through cooperation, the specialization and abilities of different NGOs have to potential to be complementary to each other. In addition, NGOs must find a suitable coexistence with nation states and international organizations. Surely, the effects of real conflict should be adequate evidence to persuade those with a common peace agenda to work together.

As NGOs gain prominence as peacebuilders, they are also faced with the same calls for transparency, accountability, and effectiveness that countries and international institutions have come to expect. NGOs must account to the victims they serve, the host governments and the donors who fund their programmes. The legitimacy of NGO activities is dependent on their accountability to those they assist, those who fund their work and ultimately to international humanitarian and human rights law. Through public transparency, the work of NGOs may gain the credibility and respect needed to carry out their work.

Conclusion

The 1990s bore witness to the proliferation of a new kind of conflict. Rather than conventional interstate war, the past decade has seen numerous internal conflicts in which the brutality and the victimization of civilians has been lurid. This new form of conflict has forced the international community to rethink the whole concept of security and has jettisoned NGOs into a vital role as peacebuilders. As the nation-state and international organizations appear to be withdrawing from intervention, NGOs are faced with heightened expectations for capacity, efficiency, effectiveness and legitimacy of NGOs in addressing complex civil conflicts. This study has surveyed these expectations and has also commented on a few of the problems NGOs have faced in the past decade.

Although their work is clearly vital, beneficial and legitimate, I would like to conclude

with a few remarks on how NGOs might work towards finding their niche as peacebuilders. First, consultations and cooperation between nation-states, international organizations and NGOs must be furthered. Evidently, international civil societal efforts have a limit and the community of nations must improve its performance in interventionist operations. To date, several examples of increased consultations stand out as being steps in the right direction. Several like-minded states - including Canada, Norway and the Netherlands - have undertaken extensive consultations between foreign policy practitioners and NGOs. For its part, the US - which has been negligent in its financing of international organizations - has demonstrated some generosity in its funding of NGOs, such as the Red Cross.(21) In addition, an observer has noted that the UN Security Council has begun to conduct extensive consultations with NGOs.(22) Hopefully in the next decade, the increased demand placed upon NGOs can be matched by an equal level of consultation and cooperation. With consultations and cooperation, the trend toward fractured peace efforts, interagency rivalries and unstable relationship may be ended. Second, NGOs must make the case that nation-states and international organization cannot withdraw further from their responsibility to find sustained and comprehensive military/political solutions to the conflicts tearing apart the world today.(23) The capabilities of many NGOs have reached their limits and a further withdrawal by political actors may further exasperate difficulties and weaken the reputation of NGOs as peacebuilders. In an effort to address the difficult issue of politicization, a final step NGOs may take is to learn from their experience in the past decade and improve their understanding of the political environments in which they work. Amid the difficult environment of contemporary conflict, NGOs must find a way to preserve their impartiality. With good fortune, the lessons of the 1990s will assist both the international community and NGOs in securing a more peaceful and secure world in the new century.

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1. NGOs tend to be as diverse as their function and the services they provide. For the purpose of this paper, the term NGOs will be primarily in reference to international non-governmental organizations. While the paper is not intended to survey the disparity of NGOs in the field, it is important to remain conscious that NGOs are not solitary. Moreover, it is essential to take into account the varying funding, goals, membership, political/cultural affiliation and practices of NGOs, as they also vary greatly.

2. Francis Kofi Abiew and Tom Keating, "Outside Agents and he Politics of Peacebuilding and Reconciliation," International Journal (Winter 1999-2000), p. 80.

3. Ibid., p. 81.

4. Robert Miller, "Governance and Peacebuilding," Second Annual Peacebuilding Consultations, 1998, www.dfait-maeci.gc.ca/peacebuilding/gngoc_governance.asp

5. Lloyd Axworthy, "Building Peace To Last: Establishing a Canadian Peacebuilding Initiative," Notes for an address at York University, 30 October 1996, www.dfait-maeci.gc.ca/english/news/statements/96_state/96_046e.htm.

6. Boutros Boutros-Ghali, *An Agenda for Peace*, United Nations, Office of the Secretary General,

1992.

7. John Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C.: United States Institute of Peace Press, 1997), p. 29.

8. Barbara Shenstone, "Civilian Roles in Peace Support Operations," Third Annual DFAIT-NGO Peacebuilding Consultations, www.cpcc.ottawa.on.ca/civilians.htm.

9. Martin Griffiths, Iain Levine and Mark Weller, "Sovereignty and Suffering," in John Harris (ed.), *The Politics of Humanitarian Intervention*, London: Pinter Publishers, 1995, p. 72.

10. Francis Kofi Abiew and Tom Keating, "NGOs and UN Peacekeeping Operations: Strange Bedfellows," *International Peacekeeping* (Summer, 1999), pp. 93-5.

11. Dr. James Orbinski, President Médecins Sans Frontières, Nobel Peace Prize Speech, 14 December 1999.

12. *Ibid.*

13. Barbara Shenstone, "Civilian Roles in Peace Support Operations."

14. Stephen John Stedman, "The New Interventionists," *Foreign Affairs* (Winter, 1993-94), p. 14.

15. John Gerard Ruggie, *Winning the Peace: America and World Order* (New York: Columbia University Press, 1996), p. 100.

16. Abiew and Keating, "NGOs and UN Peacekeeping Operations: Strange Bedfellows," pp. 104-5.

17. Quoted in *Ibid.*, p. 105.

18. *Ibid.*, p. 100.

19. Michael Ignatieff, "Unarmed Warriors," *The New Yorker*, 24 March 1997, p. 58.

20. Barbara Shenstone, "Civilian Roles in Peace Support Operations."

21. According to Ignatieff, in 1995 the US contributed $170 million to the Red Cross.

22. David Malone, President of the International Peace Academy, Address to the University of Alberta, 5 November 1999.

23. Barbara Shenstone, "Civilian Roles in Peace Support Operations."

NGO/Military Cooperation in Complex Emergencies: The Need for Improved Coordination

by

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Introduction

Since the end of the Cold War there have been more peacekeeping missions than ever before in the history of the United Nations (IFRC 1994). The context in which humanitarian action takes place has changed significantly and, consequently, the terms of interaction between humanitarian, political, and military actors have been fundamentally altered. The new roles have given rise to concerns about how interventions in complex emergencies have been affected, particularly since "it is usually the humanitarian agenda which suffers" (Slim 1996b). Some efforts at addressing the challenge have resulted in policy changes within leadership frameworks at the bilateral and multilateral level. Other approaches have legitimized "19th century gunboat diplomacy whereby the great powers initiate 'peacekeeping' operations in their own 'spheres of influence' under the approval of the UN" (The Humanitarian Partner 1995). Whatever the political motivations, every approach has recognized the inevitability, for better or worse, of a new complex emergency paradigm.

A key element of the modern humanitarian context is that it often deals with internal conflicts, based on ethnic or socially-determined lines (ICG 1998). This presents a challenge to the United Nations (UN) in terms of designing interventions that do not conflict with the provisions of international humanitarian law, or with the UN Charter (ICRC 1998). States having learned first-hand of the risks of intervening in war-torn countries are increasingly reluctant to commit resources where they have limited strategic interests. Humanitarian funding has also become restricted, due to concerns that investments in war-torn regions are not consistent with foreign policy objectives (ODI 1998). This gives rise to a humanitarian gap between actual needs, and actual commitments (IFRC 1994). However, the inadequate political will of states to adequately finance interventions has been criticized as hamstringing interventions and prolonging conflicts (Girod and Gnaedinger 1995).

Despite the inherent politicization of humanitarian interventions, uncertain political commitments, and a policy and legal vacuum that renders working conditions

insecure, NGOs remain active in complex emergencies. Additionally, in recent years they have begun to share their humanitarian mandate with the military, which is studying ways to institutionalize its new role by developing better coordination mechanisms with NGOs (Eiriz 1999). In view of the new operating reality, many aid agencies now assume that disaster responses must comprise political, military, and humanitarian components in some sort of linkage (IFRC 1994). This sharing of the humanitarian mandate is not an ideal arrangement for NGOs, because it may compromise their operational effectiveness and independence in the process.

Some recent initiatives are indicative of national and multilateral efforts to define a workable model for cooperation. The Department of National Defence has been seconding staff for six-month periods to CARE Canada, where they are assigned to work for the NGO in zones of conflict. On their return to DND, candidates are expected to formally enunciate their lessons learned. The objective is to develop an institutional sensitivity within the military to the NGO culture, operating capacity, implementation approaches, and program limitations, so that the military can learn to interact more effectively with NGOs in zones of conflict (Hurst, 1999). The Department of Foreign Affairs and International Trade and the Canadian International Development Agency are collaborating on a Peacebuilding Initiative, with the objective of streamlining Canada's development and foreign policy response to post-conflict regions, while consulting with relevant actors, including NGOs (Pratt 1998). Since 1992, the United Nations has been promoting its Agenda for Peace, which combines the disciplines of diplomacy, peacemaking, peacekeeping, and peace-building, and promotes the military as a key element of the partnership (Slim 1996a). However, in the years since its inception, the Agenda for Peace has been implemented only on a "case by case and 'can-do' basis, largely determined by individual national interest" (Slim 1996a), and suggests that political interests are difficult to reconcile with the principles of humanitarianism. Nevertheless, the UN continues to institutionalize a multidisciplinary response to complex emergencies through the Office for the Coordination of Humanitarian Affairs (OCHA), which is intended to oversee the implementation of humanitarian interventions.

Where do these initiatives leave NGOs and their programs? Clearly, the institutionalization of an effectively coordinated response mechanism is in order, so that effective planning can occur prior to the deployment of the various actors, and so that interventions can be designed that address their security and support requirements. Since NGOs will no doubt continue to be central actors in such interventions, they should be active contributors to discussions about how multidisciplinary interventions are realized.

This paper explores the evolving relationship between non-governmental organizations (NGOs) and the military in humanitarian interventions during complex emergencies. Some anecdotal evidence is provided through references to the United Nations Protection Force (UNPROFOR) and NATO missions in Bosnia and Herzegovina (BH). The discussion begins by highlighting a few of the overarching concerns affecting the environment shared by NGO and military actors. An assessment of the NGO-military relationship follows, through an examination of NGO, military, and donor/institutional issues in turn. A few proposed solutions are then assessed.

Issues Regarding NGOs

Humanitarian relief activities in complex emergencies have typically been carried out by a select group of international NGOs, mainly the larger ones, which often have the programmatic advantage of being active in a country prior to the outbreak of a conflict (Natsios 1996). Although NGO programs in those contexts have typically been focused on providing basic needs (Natsios 1996), some have begun to adapt civil society and development initiatives to zones of conflict, making the humanitarian continuum somewhat more seamless, with the result that NGOs, "as a matter of policy, will now try to integrate into their relief work developmental components" (Natsios 1996). However, there appears to be a continuing debate over the suitability and timing of program transitions from relief to development.

The discourse on programmatic effectiveness aside, the primary purpose of NGO activity in conflict zones is to address the effects of war, rather than becoming co-opted by them. That purpose stems from the principles of humanitarian activity which, according to the International Committee of the Red Cross (ICRC), include impartiality, neutrality, independence, the consent of the parties to the conflict, and assistance on the basis of evaluated needs (Fuchs 1995). The active commitment of the ICRC and its sister organization, the International Federation (IFRC), to protecting those principles is a burden to which other NGOs are not necessarily formally beholden; as a result, the proliferation of fund-seeking NGOs in conflict and post-conflict regions risks diluting the principles of humanitarianism. Nevertheless, it can be argued that the larger international NGOs, as well as their donors, generally also abide by similar principles as the Red Cross movement, out of a basic commitment to the same ideals (de Mello 1990). Thus, the primacy of the humanitarian ethic may be said to underlie the motivations of the international aid community for responding to crises (Bryans et al 1999), and since states are compelled under international law to respond (ICRC 1997a), NGOs may be considered an effective non-military and hence non-threatening mechanism for humanitarian relief.

However, there is a risk that humanitarian interventions become politicized when the military becomes involved, which is of grave concern to NGOs. "UN peacekeeping forces are based on a whole range of mandates set by a body - the Security Council - whose role is, by definition, essentially political. So it is quite normal that these operations should not always be perceived by all the protagonists as 'neutral' within the meaning of international humanitarian law. Moreover, the fact that peacekeeping forces are frequently assigned tasks which have more to do with providing aid to the victims than with keeping the peace can sometimes lead to confusion detrimental to humanitarian action" (ICRC 1997a). The distinction between military and humanitarian intervention is blurred even further when robust military action is taken pursuant to humanitarian support that has been provided by the same actor. Such actions can be highly polarizing to the humanitarian environment, and can cause NGOs to compromise their relations with local counterparts through their association with military entities (Fuchs 1995); the linkage may give rise to perceptions that NGOs are not impartial.

The military is subordinate to a political authority, and it is therefore neither as

independent, nor as impartial, as NGOs that operate in the same environments (ICRC 1998). Furthermore, the military is frequently seen as a mechanism through which political objectives may be served under the guise of humanitarianism. NGOs are therefore pressing for clarification of the distinction between aid and politics. "[H]umanitarian action should be parallel to political or military action, not replace it. If humanitarian action is misused as an alternative means of politics, as an opportunistic extension of foreign policy, as a means of decreasing internal political pressure…this same humanitarian action loses its 'innocence'…" (ICRC 1995).

It is important to note that NGOs may themselves be politicized as a result of their mandates and donor directives. However, while NGOs are free to chose to operate according to specific guiding principles, the military's direct linkage to political actors causes the operating independence of all participants to be compromised, once it engages in humanitarian activities. The diversion of aid from its true purpose for political ends may even prolong conflicts (Girod and Gnaedinger 1998). As a consequence, if the political process fails, the humanitarian process may fail along with it (de Courten 1994). However, humanitarian intervention is not an end in itself, and cannot be an alternative to political processes, because aid alone will not resolve conflicts (de Courten 1994).

Despite the challenges that foil effective NGO-military cooperation, there is, from the NGO perspective, a productive role the military can play in support of humanitarian operations, namely, in the "technical, logistical, and manpower fields, where the military has the ability to mobilise vast resources quickly and efficiently" (IFRC 1994). Support of that kind by the military might address gaps in financial commitments to the humanitarian effort that prevent NGOs from mobilizing all the necessary resources. However, it requires a full and sustained commitment by the military, to avoid the co-operative effort from becoming an NGO liability once the military mandate terminates and its support is withdrawn. In addition, the military mandate needs to be appropriate to its support role. Ideally then, the humanitarian mandate should be coordinated by a primarily humanitarian agency, with the military subordinate to it. Whereas military elements remain *in situ* only long enough to stabilize the political environment so that civilian agencies can proceed relatively unhindered (Eiriz 1999), aid agencies are generally present before, during, and after a conflict, which gives them a longer-term perspective of the humanitarian needs, and more legitimacy than military actors engaged in limited interventions.

Even if NGOs operate independently of military actors engaged in humanitarian activities, the neutrality of the relief effort can still be compromised because of the politicization of aid through the political-military linkage. NGOs working in those conditions risk losing their neutrality by association. However, unless they coordinate with the military, NGOs may forfeit potential program efficiencies. If NGOs engage in operational partnerships with the military by using their resources and services, they are subjected even further to the politicization of the military command structure. Thus, whether or not NGOs work alongside military elements, they may lose their operational independence whenever the two are engaged in humanitarian activities. The question is, which model offers NGOs the best opportunity to achieve their objecgives most effectively?

OCHA has proposed a framework for cooperation where humanitarian and military actors "operate within an overall political framework that addressed the root causes of the humanitarian needs, whether this be military conflict, famine, or a breakdown of organized society" (OCHA 1998). But even political-military relations are not always harmonious, as exemplified by the troubled UNPROFOR mission, even though the actors are clearly subordinate to the Security Council's leadership. It is difficult to imagine how NGOs might be convinced to submit to centralized coordination, particularly if, in the process, they lose their operational independence and become co-opted by political objectives, despite uncertain outcomes. At the highest decision-making levels, an effective framework should therefore include a humanitarian agency that is credible to both the other actors and to NGOs, and the humanitarian component be flexible enough to give NGOs sufficient distance from the overarching political framework.

Issues Regarding the Military

During the Bosnian conflict, the UNPROFOR mission came under heavy criticism when the rules of engagement prevented it from effectively fulfilling its humanitarian mandate. "The limited terms of reference of UNPROFOR troops in a setting where the indiscriminate use of force by the belligerents made a mockery of humane values struck many, reportedly including the warring parties themselves, as self-defeating. UNPROFOR troops were dubbed by detractors as 'eunuchs at an orgy'" (Minear et al 1994). In the case of UNPROFOR, changes to the mandate that might have rendered the humanitarian mission more effective conflicted with a desire to minimize the loss of soldiers' lives. "If any casualties are intolerable, then the desire to bring one's troops home is amplified to the point of distortion. The humanitarian intent of the larger policy now becomes a distant second priority, because the soldiers themselves have become a political chess piece instead of being political implementers" (Seiple 1996). But while engaging militarily may escalate a conflict, inaction may compound the humanitarian disaster. The challenge is to define appropriate roles for the participants that enhance, rather than confound, the potential of each to contribute productively.

Three months after the General Framework Agreement for Peace on Bosnia and Herzegovina was signed and UNPROFOR was replaced with NATO's "IFOR" mission, the International Crisis Group (ICG) produced a report assessing the continued need for a military presence in BH, and advocated for a continued military presence (ICG 1996). Two years later, ICG claimed that NATO "had been remarkably successful in establishing a stable and militarily secure environment, a necessary precondition to the implementation of the [General Framework Agreement for Peace]" (ICG 1998). However, in line with the ICRC argument that humanitarian assistance should not become a substitute for political solutions, ICG opined in the same report that a continued military presence would provide no assurance of long-term stability and democratization.

A NATO representative has offered a more specific interpretation of a suitable military mandate in complex emergencies: the military presence is intended to be short, up-front, and limited to establishing a level of stability from which the civilian element can begin to secure long-term stability (Eiriz 1999). The protracted military presence

in BH is attributed to complex and unresolved political factors, and the international community has consistently advocated against the premature withdrawal of military elements because of the subsequent threat to national stability, as well as to civilian counterparts. However, the military continues to be preoccupied with exit strategies for practical reasons, namely, the expense of running a mission (OCHA 1998). Nevertheless, it is clear that military withdrawal is linked to political solutions (ICG 1998), which military exit strategies must take into account. In humanitarian contexts however, the short duration of the military mandate relative to that of NGOs suggests that humanitarian activities should be coordinated by agencies that have a larger stake in their effectiveness, because they extend beyond relief into reconstruction and reconciliation and the establishment of civil society.

The rationale for engaging the military in humanitarian work is not strictly attributable to organizational advantages. "[H]anding out humanitarian aid is good for morale, and the creation of good-will in the indigenous population also enhances physical security. Finally…the military resources are there, peacekeeping is not a constant battle, there is time in-between to use the resources, both human and material, for humanitarian purposes" (OCHA 1998). However, attempts to keep military resources occupied can lead to 'mission creep', and their expanded responsibilities may delay the fulfilment of objectives towards their exit strategy (Eiriz) and increase mission costs. If humanitarian activities are peripheral to the main mandate and the military withdraws upon fulfilling its primary objectives, unfinished projects and dependencies on local beneficiaries created in the interim could become the burden of unprepared aid agencies. Rather than engaging in parallel humanitarian activities to fill windows of time and utilize superfluous resources (perhaps even inappropriately), military actors would be more effective by soliciting program guidance or offering resource support to aid agencies. The gains from concentrating resources, rather than working at cross-purposes, might facilitate the stabilization of the environment and expedite the military's withdrawal.

Strategies for channelling aid funds to the military fail to make efficient use of NGO programming expertise, and may result in generally-accepted criteria for good programming being overlooked. While the objective of keeping soldiers busy might be achieved, the humanitarian objectives may not be. Diverting aid funding away from true practitioners, the NGOs, also reduces their access to program funding and causes them to compete more aggressively amongst themselves for scarce resources, with less leverage to lobby for their own longer-term programs. OCHA has noted, "a military peacekeeping operation will reach its desired end-state quicker if a conscious effort is made to assist the humanitarian agencies and NGOs…" (OCHA 1998). A more effective role for the military would therefore be to restrict its activities to supporting NGOs through higher-level coordination, rather than becoming an inappropriate source of funding competition.

Cultural differences between the military and NGOs need to be addressed if cooperation on humanitarian interventions is to be effective. The hierarchical and rigid military perceives NGOs as being staffed by young and somewhat unpredictable individuals (Eiriz). NGOs often do operate 'on the fly' and delegate significant responsibility to field staff, but their accountability to donors and increased

competitiveness for funding in recent years has raised the bar on the standards for program delivery. In contrast, the military might be perceived as refusing to share its significant resources or coordinate effectively with non-military actors. Collaboration between both entities should be predicated on an understanding of their vastly different organizational structures and cultures. Unfortunately, the military does not appear to be broadly committed to emphasizing good working relations with NGOs (Eiriz, Hurst), although it has the institutional capacity to do so through its Civil-Military Cooperation units (CIMIC), and what little collaboration does exist is of little consequence to the success of the collective humanitarian intervention if it is not supported at the highest levels of authority.

There are two streams of thought about the role the military should take in conflict and post-conflict environments. According to the pacifist view, the military should remain distinct from humanitarian activities, whereas the activist view holds that the changing nature of conflicts calls for an adapted role for the military (The Humanitarian Partner 1995). While distancing the military from NGOs allows the latter to preserve their neutrality, they might sacrifice the advantages of technical, logistical, and other forms of support. Since the politicization of the humanitarian context seems inescapable, a sensible approach would be one in which each actor is prepared to engage constructively in a cooperative framework but with an understanding and respect for each others' institutional limitations.

UN and donor policy issues

Despite the self-regulating quality-control mechanism of competition for donor funds, the UN has proposed to restrict access by NGOs to decision-making forums by instituting an accreditation mechanism to improve their accountability and transparency (Lessons Learned 1997). Notably, no such mechanism has been proposed for military humanitarianism, and this sends a rather negative message to NGOs about the UN's belief in humanitarian principles. The existing mechanism for regulating NGO participation, where the NGO record of past performance becomes the price of admission to working in complex emergencies, may in fact be the most effective one and obviates the need for an accreditation system as proposed by the UN. Furthermore, the diversity of programs and the fluidity of the NGO presence in regions of conflict suggest that NGOs should be represented by a collective and inclusive voice.

NGOs would be well-served by donor policies that recognize and attempt, as equitably as possible, to serve two conflicting issues, namely, "the humanitarian ethic as expressed in the rendering of assistance to the poorest of the poor in the midst of conflict, and a security vacuum engendered by a weak-willed international community" (Bryans et al 1999). If NGOs are to be effective, they should not be required to dedicate resources to security concerns, particularly if those can be addressed by the military presence. Policies to reconcile humanitarianism with security need to be debated at the national level, by engaging NGOs in a discourse that clarifies national humanitarian agendas. At the multilateral level, policy views need to be coordinated among nations so that international responses develop coherent strategies. "A lack of policy coherence among states on questions of conflict and development policies can be the result of real differences in national priorities, approaches to conflict resolution, or ideas about the root causes of conflict, but it can also result from

a lack of coordination among relevant actors" (OECD 1997). Future investments in humanitarian interventions may yield sub-optimal results if NGOs continue to suffer avoidable human and material losses in zones of conflict as a result of poor policy coordination.

A meeting of the minds is essential for participant states to take advantage of opportunities for peace and to agree on the best strategies for intervention. To that end, the OECD has proposed the adoption of several principles in developing an approach to cooperative humanitarianism. Two of them address NGO-military-donor issues concurrently:

1. Development cooperation is only one instrument of foreign policy; mechanisms for co-ordination between policy instruments available to donor states (military, political, development) must be strengthened . Similarly, greater policy coherence within the multilateral system between political, military and development elements must be encouraged (OECD 1997).
2. However, policy coordination can only ensure that the humanitarian ethic is preserved if humanitarian actors are included. UN reforms in that regard include a proposal to "encourage a greater degree of information-sharing, joint policy and strategy development, and overall management among the under-secretary-generals in charge of the political, military and humanitarian functions in the departments of Humanitarian Affairs, Peace-keeping Operations and Political Affairs during complex emergencies" (Natsios 1996). Above all, NGOs must be included in that process.

Solutions: suggestions for military-NGO cooperation

In devising schemes for effective NGO-military cooperation in regions of conflict, one might begin by assessing their obvious commonalities and differences. Both entities bring a strong sense of commitment and dedication to their work, despite having different professional philosophies. However, while military actors have little difficulty performing humanitarian tasks, aid workers could never perceive themselves to be fighting units (Bryans et al 1999). The important commonalities and distinctions should serve as a basis for a cooperation framework between the two. Three models are discussed below.

One proposal involves the creation of 'humanitarian spaces', where aid activities can be carried out in neutral environments. Such spaces may facilitate the preservation of NGO independence (ICRC 1997b). Indeed, "without such a zone, there will be no opportunity to develop, let alone implement, a shared vision. Without security, there is no stability. Without stability, there is no enduring humanitarian effect" (Seiple 1996). However, humanitarian spaces or corridors might not be contiguous in states that are divided by ethnic conflict, and would have to be equitably distributed if the humanitarian effort is to remain neutral. Logistical difficulties might be encountered if NGOs lack the resources to replicate their programs in all the spaces created, or if certain NGOs only work with certain victims. Finally, the neutrality of these spaces can be compromised when they are secured by a military presence. Thus, the "humanitarian spaces" approach might restrict the NGO presence through funding or philosophical limitations, and might lead to perceptions of bias on the part of all actors

involved in the international intervention.

Some time ago, UNHCR identified several operational principles as guidelines for working with the military, in support of maximum independence and neutrality for aid agencies, and to resist their subordination to military or political agendas (de Mello 1990). This implied that NGO activities should remain separate and independent of political-military peacekeeping and peace-building initiatives. However, there is a careful balance to be struck between programs running in parallel, and programmatic isolation that removes the possibility of effective, two-way coordination and mutual assistance. Without some form of close coordination, programmatic overlap and inefficiencies can result in wasted resources. UNHCR later supported the notion of consultation and coordination at every level, but continued to stress the primacy of the humanitarian mandate. "Coordination is best achieved when the objectives of the particular operation are set out clearly, the leadership is defined, and structures are created to allow open communication among the various components....However, military resources for humanitarian purposes should be under civilian command and control" (Ogata 1995). This approximates a more workable model for cooperation that is more realistic for the role played by political and military actors.

More recently, the ICRC has advocated for humanitarian, political and military actors to manage conflicts in a comprehensive manner, where political and military interventions focus on the restoration of law and order (ICRC 1998), and where humanitarian activities run in parallel (Fuchs 1995). Accordingly, the interaction between NGOs and others should not be seen as a partnership, but rather, as a form of cooperation where each actor understands the limits of the others' roles. Within such a framework, "[m]ilitary action may be geared to creating conditions that permit the delivery of humanitarian aid. But these conditions are merely a subsidiary consequence thereof and should not be its primary aim. The deployment of military forces for the sole purpose of delivering humanitarian aid would fail to address the underlying political issues that created the need for such aid" (ICRC 1998). OCHA is like-minded: "in order for the military to be able to complete their task and phase out, they need to assist the humanitarian agencies...in getting established and running their programmes. And for the other agencies to function, they need security, access, and logistical support from the military. For such a symbiosis to function, the military commanders must learn how to operate with the humanitarian agencies and to respect their primacy in the delivery of humanitarian assistance" (OCHA 1998).

The NGO-military relationship should be one where the responsibility for coordination and implementation is shared at all levels, and at every stage of an intervention. "If civil-military relations are to be maintained effectively, humanitarian concerns must have an equal stake in the command structure and its decision-taking" (Slim 1996b). Given the political context in which international interventions are overseen, NGOs require the formal authority to exercise their influence over policy decisions, where that is warranted. The type of representation they should negotiate for themselves is a matter for debate: if a few NGOs are given the authority to participate, then the voice given to the collective of humanitarian actors on the ground may not accurately reflect the interests of all players, and may inappropriately promote certain lobbies over others. Perhaps rotational representation might address that concern. On the other

hand, if a UN agency were to act as the sole proxy for all humanitarian agencies, it may be more susceptible to allowing the political agenda to override the humanitarian one. However, until the UN formalizes the role of NGOs in decision-making in the ongoing process of UN reforms, it may be the most realistic option. That being the case, OCHA requires a clear and overarching authority over military activities, and the clout to engage with political actors, if it is to coordinate the humanitarian agenda effectively.

Conclusions

Although humanitarian organizations and the military share a commitment to achieving long-term peace and security through their respective activities, the differences in their organizational cultures and structures, and in their approaches to work, are significant enough that frameworks for cooperation are elusive. Common objectives are not sufficient, if purposes and means are at odds. However, the past experiences of NGOs, the UN, and military entities in complex emergencies, where their interaction has taken various forms and has met with differing levels of success, have helped to clarify more effective models for collaboration.

Some suggestions advocate for cooperation through centralized coordination, facilitated by the UN at top levels and CIMIC structures in the field, which is a model that appeals to political and military command structures. However, it does not address the reality that NGOs are a diverse group that value independence and neutrality, and associate coordination with undesired control. There is general consensus that a stricter delineation of roles between the various actors is needed to clarify their responsibilities and to permit them get on with their respective jobs in the field. The humanitarian advocates take this concept a step further, and recommend a parallel process of intervention, of which coordination is an important component, but not a burdensome one. Of all the activities taking place on the ground in complex emergencies, the humanitarian agenda should take precedence if the international mandate is primarily humanitarian. Such a mandate dictates a particular role and specific requirements for the engagement for the military, in order to preserve the independence and neutrality of humanitarian organizations.

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Hard Responses - Soft Power: Military Force, Failed States And Human Security

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Civil wars, often characterized by ethnic divides, are not a new phenomenon, however, the occurrences of such conflicts have been on the rise since the end of the Second World War. In the last decade of the twentieth century the occurrences of these civil wars greatly increased and began to pose such serious threats to the stability of the international environment that the international agenda became both dominated and defined by these conflicts. The international community caught between not wanting to get involved in these conflicts and not being sure of the most effective way that intervention should be undertaken once it was realized that these situations could no longer be ignored, intervened only to realize its misconceptions of how serious the situations were. Although the peacekeepers on the ground carried out their duties as defined by their mandates, the overall involvement of the international community in trying to both stop the killings and resolve the disputes has not received great reviews. The atrocities that have transpired in these conflicts represent some of the grossest violations of human rights and security to occur since the Second World War. The images of Rwanda and Srebrenica demonstrate this point in fact.

The fighting in many of these countries has ceased, at least for the time being, and the international community is now faced with having to intervene in these failed and fragile states in an attempt to construct a lasting peace. This lasting peace can only be created by establishing or reestablishing human security for the various populations within these failed and fragile states. Creating an environment that is conducive to the formation of human security in these states is a complex task that requires many levels and dimensions of involvement from the international community. This idea of multilateral intervention was first presented back in 1992 by the Secretary General of the United Nations Boutros Boutros-Ghali in his book *An Agenda For Peace*(1) whereby he outlined the need for peace-building initiatives to be undertaken in these states and the requirement of these initiatives to be multidimensional; meaning a concerted effort between civilian personnel, academics, NGOs, the business community and military personnel. In 1993 and 1995, Alex Morrison in his edited books The Changing Face of Peacekeeping(2) and The New Peacekeeping Partnership

(3) reiterated the requirement for involvement by various actors into these circumstances in order for international intervention to provide positive and long term results. Although there is an inclusion of additional actors into the peacekeeping equation, the importance of a military force is neither overlooked nor regarded as expendable by Morrison. The military component cannot in fact be excluded because all of the other organizations and institutions at the various levels cannot institute their programs and agendas without the security and stability that a strong and effective armed military presence provides.

Human security is widely regarded as a soft power security tactic that is designed to bring about greater overall peace and security by ensuring that individuals are adequately secure in their environment. The design of this agenda is to ensure that individuals are secure from a personal perspective, which necessarily incorporates a broad range of factors including being able to maintain access to food and shelter, being secure economically, being free from fear of physical harm or threats there of.(4) It is believed that if people are provided with the ideals of human security then the likelihood of conflicts erupting, continuing, or reoccurring is diminished. Instituting an agenda based on the human security doctrine in order to construct a lasting and self-sustaining peace is quite judicious. Implementing this doctrine into the now prevalent conditions of intrastate conflict, either while the physical conflict is still transpiring or in the post-conflict phase, becomes very difficult due to the dynamics(5) that are involved with these types of conflicts. Due to these dynamics it becomes imperative that an effective armed military force is present in order to provide for the soft power tactics to be established and instituted in an effective manner. Traditional hard power enforcement is thus an essential dimension to the human security doctrine and must not be overlooked in light of the numerous actors that are now involved in the multilateral and multidimensional interventionist operations that are now being embarked upon by the international community.

War is an institution that by its very nature produces casualties and suffering on all sides. The International Committee of the Red Cross was founded in 1863 with the intent to provide medical assistance in a impartial manner to those afflicted by war, as well as to establish conventions incorporating basic norms of war, which simply understood are the "laws of humanity and the dictates of the public conscience."(6) At the time of its inception soldiers were the main recipients of their services as war was, for the most part, restricted to afflicting those directly embroiled in the battles. This has changed, however, as the nature of war has undergone a transformation from that of institutionalized war to total wars to the present phenomenon of wars of the third kind (better known as civil wars).(7) With this transformation has come the increase of civilian involvement in armed conflicts. In civil wars, especially those defined by ethnic discord, civilians become the specific targets of the belligerents. For example, only five percent of casualties were civilians during World War I compared to a figure of almost 80 percent in the intrastate wars of today.(8) The targeting of civilians has resulted in grave humanitarian disasters occurring throughout these war torn states as these innocent civilians are being forced by the thousands from their homes only to become displaced people trying desperately to secure food, shelter and medical

services. For these masses of people there exists no human security as the basic necessities of life are no longer accessible or available in the quantities that are crucial for survival.

Humanitarian agencies, including NGOs and United Nations sponsored organizations (UNICEF, UNHCR, WHO etc.), intervene into these conflicts to bring human security to these displaced and suffering people by way of providing the necessary supplies such as food, clean water, shelter, medical attention and clothing. The problem that these humanitarian agencies are experiencing in situations of civil wars is the inability to reach the people who require their services due to the brutal conditions that exist in these types of wars.(9) The brutal conditions are a product of the fact that in intrastate wars the "combatants, including mercenaries, [act] with little restraint and scant regard for even the most basic humanitarian standards."(10) This results in humanitarian convoys either being refused access to the areas where these destitute people are stranded, or being ambushed by the various militia factions at 'checkpoints' and the aid supplies confiscated. It has also not been uncommon for relief trucks to be blown up from planted explosives or humanitarian personnel being purposely shot at, and in some cases killed. As a result of these hostile actions, many agencies have had to rely on armed peacekeepers to provide armed convoys in order to better protect and assure the delivery of the relief supplies.(11)

Humanitarian agencies used to be able to rely on negotiated access which involves "gaining the consent of warring parties for the movement and delivery of humanitarian aid to civilian populations"(12), however, in intrastate wars this consent (if able to be negotiated in the first place) is virtually meaningless as it is frequently disregarded by the militia factions on all sides. In light of these circumstances, there has become a great need for humanitarian agencies to seek military protection from the international military forces in the region in order to provide some degree of human security to the innocent civilians. In the *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict*(13) the Secretary-General recognized the severity of the problem of administering both humanitarian aid and protection to the vulnerable populations in intrastate conflicts and subsequently called for humanitarian zones, security zones and safe corridors to be established, and protected by a military force if the situation required.

Providing human security to victims in the midst of war via humanitarian relief from NGOs and UN sponsored organization is always a difficult undertaking, however, in intrastate wars the conditions that are prevalent makes the task even more arduous. These humanitarian operations must be supported by an effective armed force that can secure both passage of relief supplies and the 'safe havens' where the vulnerable populations are temporarily residing and receiving the relief. In order to ensure that the thousands of innocent civilians that are being deprived of the most fundamental dynamics of human security receive the humanitarian relief required to restore this void, an armed peacekeeping force that yields a powerful mandate must be present.

Economics plays an important role in the human security doctrine due to the

connection between a states' economic conditions and its poverty levels.(14) Poverty is necessarily regarded as a threat to human security as people who exist in a state of poverty, or with severely low income, do not maintain any form of security in terms of assurance that they will be able to afford to purchase even the basic necessities of life, such as food and shelter. Thus a healthy and prosperous economy needs to exist in a country in order for its citizens to be secure. Intrastate conflicts, however, severely damage or virtually destroy local and national economies. Economies are destroyed by various factors such as damaged infrastructure, elimination of local businesses due to looting and property damage, and investment withdrawal. With an impaired economy a society can quickly become impoverished, violating one of the fundamentals of human security.

Following a civil war, one of the major priorities is to restore or begin the proper construction of a healthy and prosperous economy in order to strengthen the state and provide economic security for its citizens. Investment becomes a major element in the reconstruction process as it provides the capital necessary for the economy to rebuild and sustain itself. A problem arises, however, as companies are apprehensive to invest into areas that are unstable - which is the case in post civil war states - as there is no guarantee that either their property/merchandise or employees will be safe or protected. Cambodia has recognized this connection between security and stability within the state and securing investments from external sources.

In 1994, the Cambodian government established the Cambodian Investment Board (CIB) which launched a campaign designed to promote the idea to potential investors that Cambodia was "open for business" by trying to change the perceptions of Cambodia as an unstable and hostile environment.(15) Investment capital increased with this campaign up until 1997 when the coup de force occurred in July. The violence coupled with widespread looting and property damage as the result of the coup, consequently lead to a downturn in investor confidence as the perception of Cambodia as an unstable and lawless state quickly began to remerge. Foreign direct investment (FDI) in 1997 fell by an estimated one-third as a result of the drop in investor confidence.(16) Even today, Cambodia faces the challenge of procuring the amount of economic investment required to build its economy to the point where it can be self-sustaining and provide the necessary economic security for its people. The continued lack of guaranteed security for economic investments receives much of the blame for this. Investors are rightly concerned about the safety for their staff being sent into Cambodia to direct and manage the investment along with security for their products and merchandise.(17)

Cambodia is not the only country facing this dilemma. Both Bosnia and Haiti also serve as examples of this quandary. In Haiti investment remains low despite the efforts to democratize and rebuild the country.(18) The economy is thus in a dire state as the formal unemployment rate is estimated to be between 50-70%.(19) Bosnia is also struggling economically as it is finding difficulty in attracting the much-needed investments required for rebuilding its society.(20) The international investment community regards both of these states as unstable as their societal institutions

including law enforcement are insufficient to properly manage the dynamics of the society.

The instability of these states is a direct result of the intrastate wars that have occurred in these states. During a civil war the government is unable to effectively control society as it no longer is the exclusive holder of the means of violence. When a state no longer wields this ability it becomes categorized as a failed or failing state. This lack of control persists after the fact as it takes a great amount of time for a state to rebuild itself to the point where it can effectively administer law and order within the society. According to Ayoob, it is necessary for a state to exclusively obtain and maintain the means of violence in order for stability to ensue.(21) The state however is not in a position to reacquire the monopoly on the means of violence following a civil war. This is partially due the weakness of state structures (funding, organization and authority structures), combined with the fact that during civil wars the means of violence is so dispersed and that the various factions that once wielded the means of violence are reluctant or unwilling to voluntarily give it up. These war torn states thus require the assistance of an external force in order to obtain and secure the means of violence and properly administer it until the state is in the position to take over the task itself. With securing the means of violence, stability will ensue and investor confidence will increase, inclining investors to invest the necessary capital for the society to build a self-sustaining and strong economy. This in turn provides economic security for the population.

Constructing a self-sustaining economy in a failed or fragile state is a difficult and long-term endeavour which has numerous dynamics and constituents.(22) Without external investment into the economy, however, economic growth will be extremely slow, leaving the population in a state of economic deprivation and thus violating a quintessential tenet of human security. A strong military force is essential for procuring external investment as it provides a sense of stability and security in the state, which renders investor confidence. To support the development and continuation of human security from the economic perspective in failed or fragile states, the international community needs to maintain a strong military presence for an extended period of time in these countries.

Living in a state of fear is a condition that violates the doctrine of human security. This dynamic of human security exists mainly at the psychological level rather than at the physical level that the other two dynamics previously discussed exist within. Due to the psychological nature of this element of the human security doctrine, it becomes difficult to gauge the degree of fear that exists within a society and thus difficult to determine at what point human security has been transgressed. Some degree of fear exists in all societies, however, in failed or fragile states the degree of fear that individuals hold is quite extensive, to the point where fear literally dictates daily life activities. This fear must be reduced or eliminated in order for human security to be restored. In order for this restoration to take place there must be a strong military presence.

During a civil war the society becomes divided into factions pitted against one another. Following the conflict, these divides still exist and a lot of hatred and distrust

can exist amongst the various factions. This is especially true when the factions exist along ethnic lines. The problem is compounded by the fact that these groups must remain united under one state, as there has been a movement towards maintaining multiethnic societies rather than partitioning various groups into smaller independent homogeneous states.(23) This statement is not meant to insinuate that maintaining multiethnic societies is negative, but rather it is designed to highlight the fact that if the international community wishes to promote this agenda then it must recognize and address the issue of the fear that will linger within the society.

An external military force is needed to address this issue as it can institute law and order within society in an effective and impartial manner, which is imperative for fear to be reduced to an acceptable level. As mentioned earlier, in failed or fragile states the state is not in a position to hold the means of violence, leaving a condition of anarchy and a security void. In this condition society breaks down and the security dilemma sets in between the various factions.(24) Fear flourishes in this environment as there is no law and order within the society and there exists no trust between the factions. An external military force can seize control over the society in a manner which properly administers law and order to provide a sense of security for the individuals residing within the state. With the proper administration of law and order, the security dilemma will begin to break down and the factions will not be in a defensive and continually fearful position.

An international force also provides an impartial enforcement of law and order, which is necessary for reducing fear within the society. In many states the security forces are comprised of a majority from a particular group or faction. For example in the Former Yugoslav Republic of Macedonia (FYROM)(25), the police and military forces are composed mainly of Macedonians and only hold 4% and 7%(26) respectively of Albanian representation despite that the Albanian population in the country is 21% officially and potentially as high as 40%.(27) Due to this lack of adequate representation, the Albanians feel threatened by the state security institutions and fear that these forces will inflict intimidation and violence against them.(28) The international force (UNPREDEP) that is present in the country does not hold a mandate that allows it to become involved in the internal affairs of the country; it is restricted to securing the borders with Serbia and Albania. This in itself has provided some security, as the Macedonians are less fearful of Albanians outside the country joining forces with the Albanians inside the country and altering the present conditions. There is a need, however, to expand the mandate of these forces to one which allows it to help administer internal law and order until the internal security forces are able to be more representative of the population and make the various groups feel secure. An effective and impartial international force is thus necessary for producing an environment that reduces fear among the population.

Reducing or eliminating fear from society increases the degree of trust between the various groups or factions, which is necessary for various organizations to institute peace-building projects by building and working with civil society. The involvement of civil society in the peace-building process has become an area that is receiving

greater attention as it focuses upon individuals as the actors rather than just the traditional political institutions. In fact, it is believed that it is within the civil society arena where changing conflictual relationships can be best addressed and resolved.(29) If the individuals within the society can come together and work out their differences through exposure and dialogue there becomes a greater chance that tensions will be reduced and will not recur in the future. Essentially, it may be the best way to foster a permanent solution. Establishing civil society requires that the security dilemma be removed so that people can begin to trust one another and build relationships. The presence of an effective military force can provide the reassurance that the citizens need in order to curtail their fears and break the security dilemma by instituting impartial law and order into the society. With the removal of this fear it becomes possible for this dynamic of human security to be restored and the healing process to begin via civil society peace-building initiatives, which are designed to yield even greater human security to the society.

The civil war problematique that has been plaguing the international agenda for over a decade has forced the international community to address the issue of long term intervention into failed or fragile states in order to construct a lasting peace. It is becoming widely believed that in order to provide for long lasting and sustainable peace to be attainable in these failed or fragile states human security must be established or reestablished. Providing human security requires multilateral initiatives that incorporate various actors as well as the institution of soft power security tactics. The idea of peacekeeping has thus evolved into a concept that incorporates a dynamic and multilateral framework. Although peacekeeping now incorporates many new dimensions, it is imperative that the traditional hard power aspect of peacekeeping not be neglected nor regarded as expendable. A strong and effective military force is essential for the establishment and preservation of human security as it provides the stability and security that is necessary for the various other actors to implement their programs and agendas. For sustainable peace built upon the tenets of human security, hard power and soft power must work in concert, as they act to mutually reinforce each other.

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Footnotes

1. Boutros Bourtos-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping* (New York: The United Nations, 1992).

2. Alex Morrison, ed., *The Changing Face of Peacekeeping* (Toronto: Canadian Institute of Strategic Studies. 1993).

3. Alex Morrison, ed., *The New Peacekeeping Partnership* (Clementsport, NS: Lester B. Pearson Canadian International Peacekeeping Training Centre, 1995).

4. This is by no means a comprehensive list of all of the factors involved with human security. For a more comprehensive list refer to Lloyd Axworthy and Sarah Taylor, 'A Ban for All Seasons: The Landmines Convention and its Implications for Canadian Diplomacy,' *International Journal* LIII (Spring 1998): 190-191; and United Nations Development Program, 'Redefining Security: The Human Dimension,' *Current History* 94 (May 1994): 230-236. It should be noted however that the doctrine of human security is still in a state of evolution and thus incorporating new ideas, therefore the more comprehensive lists being suggested is not in itself complete.

5. These dynamics include the targeting of civilians, deep-seated hatred between the factions, untrained militiamen fighting in place of soldiers, extensive damage to infrastructure, a complete breakdown of society and the outbreak of Hobbsian chaos. These dynamics will be addressed and discussed throughout the paper as they relate to the arguments presented.

6. This phrase is taken from a clause in one of the Hague Conventions cited in Michael Ignatieff, *The*

Warrior's Honor (Toronto: Viking, 1998): 116.

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Civil-military co-operation in humanitarian interventions: Opening dialogue and increasing NGO influence over defence policy

by

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Since the end of the Cold War, global conflicts have changed dramatically and military missions have evolved to adapt to the new security environment. Intrastate wars are on the rise[1] and humanitarian intervention is coming to dominate the kind of peacekeeping operations Canada engages in. The Canadian Forces are increasingly finding themselves working in the same environment as NGOs and in scenarios where they need to work together if they are to be effective. But co-operation is difficult when there is a history of distrust between these groups, which have different organizational cultures, conflicting mandates, and members whose political perspectives are often diametrically opposed. Given their co-presence in trying circumstances, NGOs and military personnel have come to see the need to overcome their differences. I suggest that their efforts to co-operate reflect a mutual functional necessity, but they have also evolved in response to the underestimated, but increasing, influence of Canadian civil society on defence policy in the post-Cold War era.

I will examine why these groups need to co-operate, when the concern began, and what is being done. I mention a civil-military co-operation (CIMIC) manual, discuss an exchange program between the Department of National Defence (DND) and the NGO CARE Canada, and describe the Disaster Assistance Response Team (DART). Beyond the in-field interaction, I argue that NGOs are increasingly influencing defence policy. I outline NGO recommendations to the 1994 Special Joint Committee on Canada's Defence Policy and identify which were adopted as policies in the *1994 White Paper on Defence*, or in practice thereafter. Finally, I argue that more than ever, foreign policy is leading defence policy. But while initiatives like CIMIC and the DART fulfill foreign policy ideals such as human security, the reliance on defence instruments reveals the centrality of a military approach.

The need for, and forms of, civil-military co-operation

The need for CIMIC has come to the fore in the post-Cold War era, with the growth of

intervention in the civil wars of developing countries. By their nature, the kinds of conflicts in which Canada has engaged itself in the 1990s - Somalia, Cambodia, El Salvador, Haiti and Rwanda, for example - implicate both the military (as observers or peacekeepers with increasing civilian tasks like human rights monitoring or election supervision) and numerous NGOs (to handle refugee flows, aid distribution, medical help, etc). Both groups now have no choice but to work alongside each other, performing increasingly co-dependent tasks.

Prior to 1988, both civilians and military personnel were involved in "traditional" peacekeeping operations, but they performed their tasks separately.(2) There was thus little functional need for co-operation between these groups. Andrew Bair explains that military forces have traditionally viewed operations as "their near-exclusive domain, in which local civilians were more a hindrance than a help"; however, in the new peacekeeping, "local civilians are not only ever-present, they are the raison d'être for humanitarian missions."(3)

Bair warns that if the military cannot adapt to these changes, it will reduce the chances of mission success and increase their exposure to risk and casualties.(4) The lack of civil-military co-ordination can lead to security breaches, which are surprisingly common. A senior Canadian military official highlighted one situation in Rwanda, where NGOs there were using Motorola radio - which the Hutus were monitoring for NGO communications to find out where Tutsi refugees were moving and how many troops were with them.(5) The official said the problem was never solved because a host of NGOs used different types of Motorolas and there was no way to get other radios. He said this dilemma points to the need for NGO-military consultations prior to deployment and the need for greater co-operation in-theatre.

Lieutenant-Colonel D. D. McAlea has outlined the main obstacles to fostering CIMIC:

Number one: NGOs just don't trust the military, they're suspicious of military. Number two: they jealously guard their independence. NGOs have to be careful not to compromise their objectivity because they could loose their funding. … There are problems within and among NGOs themselves. And many NGOs are seeking objectives that are antithetical or contradictory. … There are suspicions on both sides because they have different cultures.(6)

Lieut.-Col. McAlea also detailed military upsets with NGOs: "When I first went into Bosnia, some areas hadn't been cleared; but NGOs don't wait, they just go in. There were frustrations because we had to drop what we were doing and go after them. Luckily no one died."(7)

In a similar vein, a DND/DFAIT report, *Lessons Learned from the Zaire Mission*, reveals Canadian Forces' suspicion of NGOs. The report said humanitarian agencies "had political interests in the region, not unlike governments … and compete with each other for influence and financing."(8) Military questionnaires filled out by soldiers and officers on the issue of CIMIC also reveal some of the problems that arise

from the lack of co-ordination. One respondent commenting on the SFOR mission in Bosnia said NGOs were not well co-ordinated, which created "duplication of effort, missed information, poorly completed projects and villages with rebuilt homes but no electricity or water and a host of other problems."(9)

At the same time, the military acknowledges its own dependence on NGOs' skills. Lieut.-Col. McAlea says the army can disarm child soldiers, but they are "no good as social workers," and they need NGOs to help the children thereafter.(10) The military also recognizes that NGOs dislike them: "Some NGOs will see military personnel as the personification of evil. This is understandable, given what they may have been through during a conflict."(11)

For NGOs, the need to co-operate with the military has been brought home by increasing risks to the personal safety of their workers. A 1999 report shows the number of killings of people working for CARE Canada and its nine sister operations has risen dramatically since the late 1980s: six were killed between 1979 and 1985, but the toll since then has been 87.(12) CARE's deputy executive director Nancy Gordon said that in Rwanda, armed Hutu militia used refugee camps to create governments in exile.(13) She says they saw CARE as a rival for power, so they threatened workers with death and eventually killed 25 local workers hired by CARE to ensure equal food distribution. The lack of an international security force in Rwanda led CARE to see the need for protection, and some NGOs are now even considering hiring private mercenary forces to protect their workers.(14)

Although such experiences highlighted the need for co-operation, solutions were not widely articulated until 1994. The earliest text dealing with CIMIC in-theatre (a U.S. naval analysis, *Military Relations with Humanitarian Relief Organizations: Observations from Restore Hope*) was published in 1993; but the bulk of CIMIC literature came out in 1994.(15)

As early as 1993, initiatives by Canadian NGOs sparked the first attempts at civil-military co-operation. Since then, a number of joint sessions have been held, under the auspices of the NGO Division of CIDA, intended to bring members of the Canadian Forces and civilian experts together. To formalize this dialogue, a Peacebuilding Contact Group was established, composed of members of CIDA, DND and DFAIT, together with various representatives of the NGO community.(16) But the increased dialogue and co-operation did not actually get into gear until 1994. To start the ball rolling, CIDA and a number of NGOs proposed Venom Strike - a simulation of a complex emergency that would involve the armed forces and NGOs.(17) The exercise took place in Gagetown, New Brunswick in 1994. But Lieut.-Col. McAlea pointed out that CIMIC has not been comprehensive, but ad hoc.(18)

The first calls from the military for a comprehensive guideline to CIMIC came at the Peacekeeping 1994 exhibition and seminar, when Andrew Bair - who had been a political affairs officer with UNPROFOR - called on the primary civilian,

humanitarian and military organs within the UN peacekeeping community to draft a Civil-Military Doctrine that would detail the procedures for performing all aspects of civilian and military tasks.(19) In 1998 DND published a manual, *Civil-Military Co-operation in Peace, Emergencies, Crisis and War*. It is designed to give Canadian Forces commanders and their staff guidance to plan, co-ordinate and conduct civil-military operations in co-operation with civil agencies.(20) It explains why such co-operation is needed as well as the do's and don'ts of how it should be achieved.

The CIMIC manual explains that because joint NGO-military projects are becoming more common "for reasons of scale, skills, knowledge and funding," and given that the military has no legal authority over civil agencies, co-operation is needed to foster mutual trust and support, as well as for practical reasons like ensuring local politicians "do not play stakeholders and partners against one another for their own political advantage."(21) The manual says CIMIC is a "*force multiplier*" that will contribute to mission success by preventing the duplication of efforts and wastage of scarce resources, as well as minimizing military interference with NGO work and vice-versa.(22) It also aims to avoid mission creep(23) - when forces do work beyond their stated mission objectives. To facilitate CIMIC in-theatre, the manual suggests pre-mission meetings between military and NGOs, early agreement on responsibilities and objectives, central co-ordination, shared communications equipment, co-location of headquarters, regular inter-agency meetings in-field, exchanged liaison officers, and a civil-military co-operation centre as an information-sharing point.(24)

To be sure, civil-military operations centres (CMOCs) were established in Somalia as early as December 1992.(25) However, these were not seen as very effective. Bair pointed out that CMOCs had focused almost entirely on structural composition, whereas he suggested they place more emphasis on the *process* of civil-military relations.(26) Successful interaction is usually contingent on the effectiveness of communication. This means ensuring groups are not only located close to one another, but that they are engaging in ongoing dialogue.

And this dialogue is yielding results on the ground. Flora MacDonald, Secretary of State for External Affairs during the Clark government, went with NGOs to both Somalia and Rwanda. She said there were about 200 NGOs operating and "the confusion was total."(27) However, MacDonald said Kosovo was different in that there was tremendous integration in the work being done by the Canadian military and the NGOs there - integration she had not seen elsewhere. In Bosnia, one Canadian Forces member detailed the discord between the military and NGOs, but he added that "once the trust of individual organizations was gained through dialogue, conflict between military and NGO organizations was eliminated."(28) This statement illustrates the benefits dialogue can bring to both sides. But beyond the mere *quantity* of communication, it is also necessary to improve the *quality* of communication.

To this end, an attempt to improve cultural awareness between military and NGOs is being done out-of-theatre. In January 1998, DND began an exchange program with the

NGO CARE Canada. Gordon said she talked directly to former Major-General Roméo Dallaire (the commander of the 1994 UNAMIR operation in Rwanda) about the need for co-operation and he helped CARE push for the program. So far, two junior CF officers have spent nine months working with CARE development workers, one in Kenya (1998), the other in Albania (1999), and another is expected to be seconded to an unspecified location in May 2000. After their exchanges, the officers give a formal debriefing that is recorded by DND's Lessons Learned program.(29) A CARE worker was also slated to begin an exchange at DND in late April 2000.

In addition, CARE has provided sociological and cultural briefings for the Canadian Forces before they embark on missions. CARE has also made presentations at the annual National Securities Course (for Captains, Majors and Lieutenant-Colonels) since 1995.(30)

But the most direct form of CIMIC is done by the DART. In 1994, a field ambulance team was sent to Rwanda to provide medical relief to refugees, but it arrived after the cholera epidemic had peaked. According to DND, "considerable suffering was endured because of the time required to prepare and deploy the assistance package."(31) This signaled the need for a rapid-response capability to provide humanitarian aid and is the main reason DND cites for setting up the DART in July 1996. The team consists of approximately 200 Canadian Forces personnel ready to deploy quickly to conduct emergency relief operations for up to 40 days.(32) It provides four critical needs in emergency situations: primary medical care, production of purified drinking water, engineering capability, and a command and control structure which allows for communications between the DART, the host nation, in-theatre international organizations, NGOs, UN aid agencies and DND.(33) DART assistance is designed to "complement rather than compete with government and NGO activities."(34)

In response to a request, a multi-agency standing committee (DFAIT, DND and CIDA) will assess the applicability of a DART deployment and make a recommendation for approval to Cabinet, ideally within 48 hours. If adequate NGO response agencies are already in-theatre, the DART would not likely be sent.(35) It costs Canada approximately $10 million to deploy the DART ($9 million was the price-tag for the mission in Turkey) and the government must be asked to send the team by the host nation facing the emergency.(36)

The DART was first deployed in the aftermath of Hurricane Mitch to Honduras in November 1998. NGO co-ordination took place at the DART headquarters and was effective, but the need for a civil-military liaison officer to co-ordinate with NGOs in the field was seen as a necessary permanent feature.(37) Most recently, the DART was sent to provide earthquake relief in Turkey in August 1999. There, DART commander Lieut.-Col. Ken Chadder said the team worked closely with NGOs like the American World Relief Organization, Red Crescent and Médecins Sans Frontières.(38) So far, DART's only two deployments have followed natural disasters, but the team is designed to operate in violent-conflict-related disasters.

The NGO involvement in DART was apparent from the start. According to Gordon, CARE and other NGOs were influential in its creation. (39) After it was formed, CARE spent a week in Kingston, briefing members on what they should do in complex emergencies. CARE also briefed the DART before it went to Honduras and took over after it left.

The creation of such groups as the DART and the increasing CIMIC in-field has arisen because both military and NGOs have a vested interest in its success. Had it been a one-sided need, with only NGOs calling for the co-operation, it is likely that it would not have come as quickly nor been given the same attention by DND. The department's director of policy development says DND has come to work very closely with NGOs in-field and there has been an opening in the dialogue between them, but he says it is hard to gauge NGO influence on defence policy. "At the field level, we work well, there is coherence; it's at the policy level that there's a disjoint."(40) Disjoint there may be, but it may be in light of the fact that NGOs are increasingly finding a voice that is being heard amongst Canadian defence policy-makers.

Increasing influence of domestic pressure groups on Canadian defence policy

NGOs certainly do not create defence policy, but I believe they do play a role in guiding government policy-makers to make certain decisions. NGOs have managed to push certain security issues and suggest changes in Canadian defence policy that were eventually adopted. In measuring policy, I look at both government statements and government actions.

In their assessment of the impact of peace groups on defence policy, Middlemiss and Sokolsky concluded that although they had grown in number, and the Mulroney government had made a deliberate effort to give them a hearing and financial support, it was nonetheless clear from the 1987 White Paper, that "these groups have little or no impact on Canadian defence policy."(41) While certainly true when they published their book in 1989, I believe that since the mid-1990s, civil society has had an increasing impact on defence policy-makers.

Kim Richard Nossal believes societal actors can determine what issues a government must deal with and define the bounds of acceptable policy actions.(42) However, he cautions that *activity* should not be mistaken for *influence* - while numerous groups are active, they enjoy little influence over the exact policy behaviour of the state.(43) Nossal's point was first spelled out in the 1985 edition of his book. Nevertheless, it seems odd that he has not altered this statement since. The 1989 and current 1997 edition of his book say the exact same thing (save for punctuation changes) about the influence of societal actors.(44) His lack of refinement seems striking, considering the obvious growth in societal *influence* over both foreign and defence policy in the 1990s. Nossal does not define influence, but I suggest an adequate measure of influence for these purposes is the ability to suggest a policy and to have it implemented - either as written policy or as government action.

As late as 1994, a Project Ploughshares working paper lamented the lack of dialogue between NGOs and DND, adding that it is partly "because DND is not very anxious to have a dialogue with NGOs. They don't feel that we have very much to teach them."(45) Ironically, within a few months of this publication, these groups began a sustained dialogue. The report did say NGOs were helping to reshape security policy and it mentioned their upcoming involvement in the foreign and defence policy reviews that year as situations in which they hoped to further that agenda.(46) Policy reviews open dialogue between NGOs and policy-makers. They are, in fact, direct invitations for the public to try to influence policy.

The opportunities for such influence certainly seem to have flourished since the election of the Chrétien government, which encouraged the creation of forums where DND and NGOs could engage in a two-sided dialogue. In May 1993, Lloyd Axworthy and Christine Stewart, then chair and vice-chair respectively of the Liberal Caucus Committee on External Affairs and National Defence, introduced the *Liberal Foreign Policy Handbook*, in which the party committed itself to the "democratization of foreign policy."(47) The Liberals promised that if they formed the next government, they would establish a National Forum on Canada's International Relations, and parliamentary committees would be "given a wider role in developing foreign policy initiatives."(48) They would also listen to a wider variety of societal actors. Of the more than 200 witnesses heard by the Special Joint Committee on Canada's Defence Policy, its co-chair Senator Pierre De Bané estimates that one-third were NGOs or peace groups, and he noted that he was "struck" by the number of non-military witnesses they heard.(49) I now turn to the proceedings of this committee to identify NGO suggestions versus the recommendations eventually adopted in the *1994 White Paper*.

To begin with, the White Paper commits itself to the DART, although not using that name, when it specifies that the Canadian Forces will be "prepared to deploy, for limited periods, selected specialized elements of the Canadian Forces - medical personnel, transport and signals units and engineers - in humanitarian relief roles.(50) But it is unclear whether this was a military, government or NGO-led initiative. Everyone has a different idea of who first recommended the DART. Committee researcher Edward Rees credited two parliamentarians; DND's Valerie Keyes said it was a tri-departmental initiative (CIDA, DFAIT, DND); DFAIT's Michael Small believed it was a joint NGO-DND effort; and committee co-chair Sen. De Bané said he simply does not remember who recommended it.(51)

For a more definitive answer, I sought to find out who made presentations about the DART to the Joint Committee.(52) I found three references to disaster-assistance duties for the military. Two referred to domestic environmental disasters only.(53) But the recommendation sounding most like the DART (in both its roles and its international orientation) came from an NGO. Eugene Leger, chair of Project Ploughshares at the St. John's Peace Centre, suggested the military be available "for crisis intervention in

extreme instances where civilian responses or resources are insufficient," including "terrorist acts and natural disasters."(54)

Of all the NGO recommendations to the committee, the most commonly cited was the abandonment of combat capabilities. This suggestion was, of course, not heeded. Another suggestion came from Betty Plewes, president and CEO of the Canadian Council for International Co-operation (a coalition of 120 NGOs). She suggested reducing annual defence spending from $11.9 billion to $7.6 billion (made possible by abandoning war-waging and concentrating on missions such as peacekeeping and peace-building).(55) In this area, the recommendation can be seen as partly adopted, as the committee recommended further reductions to the already-gutted defence spending,(56) albeit not as steep as what Plewes suggested. Both the refusal to abandon combat capabilities and the reluctance to make deeper reductions in spending might suggest a lack of influence over policy. But for interest groups to exert influence, it is not necessary that *all* of their suggestions be adopted as policy. If major suggestions are not heeded, or only partly so, all it suggests is that they do not have influence in *these* areas of policy. It does not preclude their influence in others.

One would assume NGOs have the most policy influence in those areas that affect them directly. To this end, countless NGOs spoke of the need for civil-military co-operation.(57) But for all of the numerous NGO suggestions for CIMIC, it is worth noting that I did not come across any such suggestions from military personnel.

Related to CIMIC, I also found a specific reference to the exchange program already outlined. CARE's Watson suggested a "program of secondment," to allow people from humanitarian agencies to understand and to get to know some of the people in the military who are working in peacekeeping operations, and vice-versa, with an officer coming to work with CARE in a refugee camp or humanitarian operation.(58) He also recommended that DND integrate in its briefing of peacekeepers NGO personnel who are already active in the field.

Nevertheless, none of these CIMIC-related recommendations made it into the *1994 White Paper*. In fact, the White Paper glosses over the need for CIMIC, making a vague comment that the government "will build upon the excellent progress that has already been made," in civil-military co-ordination, as seen in missions to Ethiopia, Somalia and Rwanda.(59) But as mentioned above, recommendations do not need to be written into the White Paper to become policy. A flurry of CIMIC initiatives began shortly after the committee hearings, and are part of current government practice. The exchange program has been institutionalized and NGOs regularly brief Canadian Forces before peacekeeping missions. These policies have also since been articulated into official government policy, as in DND's CIMIC manual.

In 1996-97, NGOs also played a central role throughout the Ottawa process for a global ban on anti-personnel mines. To the extent that landmines are a defence issue, and one that documents show the military did not support,(60) the landmine ban stands out as another clear example of the extent of influence NGOs can exert over defence

policy.

Even DND officials acknowledge the influence of NGOs. Colonel Walter Semianiw believes civil society has more influence than ever on defence policy: "If you look at East Timor, it was the reaction to public outcry why we jumped in there. We got hundreds of thousands of emails on the nature of East Timor. How can you not respond to that type of public pressure? ... The message is we've changed; we've evolved; we listen to the public."(61)

All of this goes to show that societal groups can, and do, influence defence policy, even if it does not happen immediately and even if their recommendations do not always get adopted in full. As the 1994 defence policy review suggests, more NGOs are being given the chance to make their recommendations, and policy-makers seem increasingly willing to adopt some of them. While calls for CIMIC-related activities, the DND-CARE exchange program, and NGO briefings did not make it into the White Paper, these suggestions did show DND officials that NGOs were willing to initiate dialogue. Moreover, the Canadian Forces' experiences that year in Bosnia and Rwanda, as well as the image-tarnishing impact of the Airborne Regiment's torture and murder of Somalian teen Shidane Arone, no doubt all underlined the military's own need for such dialogue and co-operation with civil society.

Foreign policy leading defence policy

Prior to the late 1960s, Canadian defence policy is said to have led foreign policy. In 1968, Prime Minister Pierre Trudeau proclaimed that prior to his government: "NATO had in reality determined all our defence policy. ... And our defence policy had determined all of our foreign policy. ... It is a false perspective to have a military alliance determine your foreign policy."(62) Although Trudeau later returned to NATO's fold, since his government, Canadian foreign policy has been increasingly led by considerations beyond the purely military.

In the 1990s, and particularly since the Chrétien government, it has become obvious that foreign policy is leading defence policy. This trend has become even more marked since Axworthy became Foreign Affairs Minister in 1996. His human security agenda has reached into the military domain and driven defence policy to respond. Today, DND officials extol the virtues of human security.(63) In fact, DND seems so dependent on DFAIT's definition of human security that it uses the same wording in its publications. One example is found in the DND publication *Defence Performance and Outlook 2000*, prepared and published in January 2000: "while security for the majority of states has increased, security for many of the world's people has declined." (64) This wording is identical (save for the placement of the word "while") to the first sentence of DFAIT's April 1999 publication *Human Security: Safety for People in a Changing World*.(65) Furthermore, DND's director of policy development said that today, "defence policy is totally in line with foreign policy on human security."(66) It seems that DND has embraced human security because it gives them a way to retain global intervention capability and a raison-d'être when Canada faces no

military threats to its vital interests.

Neverthless, the military approach to Canada's human security policy is still central:

Governments since the end of the Cold War have been willing to bend but not to break completely with this state-led approach. In substantive terms, both the Mulroney and Chrétien governments have treated the broadened definition of security with some caution, viewing a shift away from military/defence conceptions of security as necessary, although not at the same time decisively moving towards a comprehensive embrace of a non-military approach.(67)

The military is still the vehicle being called on to address many of these non-military security issues. As the Privy Council's Francis Furtado put it: "Defence matters to this government. They have become increasingly comfortable with using the military as an instrument of foreign policy."(68) In addition to peacekeeping and observation missions, the Canadian Forces now also ensure human security by: delivering and distributing humanitarian aid, controlling small arms and child soldiers, training personnel in landmine detection, supervising elections, investigating human rights abuses and monitoring refugees. Moreover, with the DART, the forces confront threats from natural disasters and infectious diseases with emergency medical relief and infrastructure restoration. The DART can also do peace-building. In Honduras, DART members also helped restore roads and water supplies and in their spare time they built a school.(69) All these activities clearly reflect human security priorities and the military's role as the instrument for their achievement. So clear is this role that professor Norman Hillmer said Axworthy has been criticized for "trying to make the military NGOs in uniform."(70)

As this comment suggests, these roles are not exactly embraced by the military:

... the army, having worried in the mid-1990s that it might be turned into a peacekeeping force, is now subject to a gnawing worry that as a result of its recent high-profile activity at home, it will be seen by Canadians and their government more and more as a disaster relief force (or a disaster relief and peacekeeping force) and less and less as a real army needing to be properly equipped and trained for combat.(71)

So why does the government continue to rely on the military to address non-traditional security threats? Perhaps the most simple reason has to do with funding. Col. Semianiw explained that: "DND and CIDA have all the money, not DFAIT. They're (DFAIT) the good ideas people."(72) With no funding of its own, it is hard for DFAIT to put money where its mouth is. In fact, Axworthy's policies have, perhaps unfairly, been called "all bun and no burger."(73) It makes sense (and cents) for the minister to continue to rely on a military (and also development-related) approach to security, because it eases access to the budgets of other departments. Therefore, the salience of the military approach to security issues has much to do with the fact that military force is needed to deal with the type of violence-related security issues Canada has now targeted, but it equally reflects the need for access to DND's coffers.

Conclusion

In the post-Cold War era, CIMIC has emerged out of a functional need on the part of both the military and NGOs to create security amid the chaos of humanitarian interventions. Increased dialogue and joint operations began after the defence policy review and after troubles in Rwanda and Bosnia boiled over in 1994 - a year which was the watershed for civil-military co-operation. It is perhaps ironic that the need to co-operate in-theatre has helped forge a dialogue out-of-theatre that has increased NGO input over defence policy.

Although NGO recommendations echoed in the 1994 White Paper were few (the DART and reduced spending), notable examples of policy influence came soon after (the landmine ban and CIMIC). Moreover, as NGO dialogue with DND increased, the very recommendations NGOs had made to the committee came to fruition in the form of more briefings, the CARE-DND exchange program and a formalized CIMIC doctrine. It is ironic that NGOs have had more success in getting CIMIC implemented as policy through their dialogue directly with the military than through their presentations to the very government that has so courted civil society and committed itself to democratizing foreign policy.

Civil-military co-operation has come a long way, but it is by no means wrinkle-free. CIMIC still needs to be made more comprehensive. There is also still some distrust and misgivings to be overcome on the part of both NGOs and the military. Nevertheless, the rapprochement between these previously antagonistic groups is a positive step forward that already seems to be making a difference in-field (as Kosovo has shown) and which is helping both to democratize defence policy and bring it more firmly in line with foreign policy.

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1. Intrastate conflicts are now said to comprise more than 90 per cent of current conflicts. See Fen Hampson and Dean Oliver, "Pulpit diplomacy: A critical assessment of the Axworthy doctrine," International Journal (Toronto: Canadian Institute of International Affairs, Summer 1998) 383.

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7. ibid.

8. James Appathurai and Ralph Lysyshyn, Lessons Learned from the Zaire Mission (Ottawa: DND/DFAIT) 6-7.

9. One of various anonymous questionnaires, Series 81, on Operation Palladium, Roto-1, Phase 4 – questionnaires released under an Access to Information request in 1999.

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12. A CARE Canada report, titled Mean Times: Humanitarian Action in Complex Political Emergencies, cited in Norma Greenaway, "Aid agencies told to hire mercenaries for protection," Ottawa Citizen, Jan. 28, 1999: A1.

13. Nancy Gordon, deputy executive director for CARE Canada, Interview Feb. 3, 2000.

14. This was the gist of the 1999 CARE Canada report, Mean Times: Humanitarian Action in Complex Political Emergencies.

15. This statement on the CIMIC literature reflects both my own research and a compiled bibliography on CIMIC-related texts which Major David Last (Royal Military College) provided me.

16. Andrew Cooper, Canadian Foreign Policy: Old Habits and New Directions (Scarborough: Prentice Hall Allyn and Bacon Canada, 1997) 202.

17. Valerie Keyes, head of the section on humanitarian assistance policy, directorate of peacekeeping policy, DND. Interview March 27, 2000.

18. McAlea interview.

19. Bair 70.

20. National Defence, Civil-Military Cooperation in Peace, Emergencies, Crisis and War, B-GG-005-004/AF-023, Ottawa, Nov. 15 1998: 1-1. This document will heretofore be referred to as the CIMIC manual.

21. CIMIC manual 1-24.

22. ibid, 1-1, 1-16, i.

23. ibid 2-18.

24. ibid 1-21 to 1-24.

25. Walter Gary Sharp Sr. (Ed.) UN Peace Operations, (New York: Custom Publishing Group, 1995) 130.

26. Bair 72.

27. Flora MacDonald, former Secretary of State for External Affairs. "NGOs and their role in international stability and security," speech at Queen's University, Feb. 2, 2000.

28. Series 81 military questionnaire, DND.

29. Keyes interview.

30. Gordon interview.

31. DND, Canadian Forces Participation in Humanitarian Disaster Relief and Assistance Operations, June 1996: 1.

32. André Beauregard, The Canadian Forces Disaster Assistance Response Team, Toronto: Canadian Institute of Strategic Studies, April 1999: 2. The 200 personnel include 37 troops for command and control at DART headquarters and for inter-agency relief coordination; 44 people on the medical platoon (5 doctors, 4 nurses, one pharmacist, two lab technicians, 30 medical assistants); 20 troops for the logistical component; 39 troops for the engineering platoon; and 34 troops on the defence and security platoon – for general labour, perimeter security, and emergency security to other agencies

such as NGOs.

33. DND, Disaster Assistance Response Team backgrounder, Department of National Defence, Feb. 1999: 2.

34. DND, Canadian Forces Participation 2.

35. DND, Canadian Forces Participation 3.

36. Keyes interview.

37. Beauregard 4.

38. Lieut.-Col. Ken Chadder, DART commander (oversaw mission in Turkey), interview Feb. 9, 2000.

39. Gordon interview.

40. Marc Whittingham, director of policy development for DND, response during a question and answer session at a graduate briefing at DND, March 9, 2000.

41. D. Middlemiss and Joel Sokolsky, Canadian Defence: Decisions and Determinants, (Toronto: Harcourt Brace Jovanovich, 1989) 276.

42. Kim Richard Nossal, The Politics of Canadian Foreign Policy, 3rd edition. (Scarborough: Prentice-Hall Canada Inc., 1997) 125-6.

43. ibid 117, 129.

44. ibid, p. 107 in 1989 edition; p. 117 in 1997 edition.

45. [45] Betty Plewes, "Canadian NGOs as Peacemakers," *Multilateral and NGO Actions: Intervention in Regional Conflicts*, Waterloo: Project Ploughshares, 1994: 10-11.

46. ibid 10.

47. Liberal Party of Canada, Liberal Foreign Policy Handbook; cited in Denis Stairs, "The Policy Process and Dialogues with Demos: Liberal Pluralism with a transnational twist," pp. 23-53 in Fen Hampson and Maureen Molot, Canada Among Nations 1998: Leadership and Dialogue (Ottawa: Carleton University Press, 1998) 35.

48. Liberal Party of Canada, 1993 Red Book, p. 109; cited in ibid 35.

49. Senator Pierre De Bané, co-chair of the 1994 Special Joint Committee on Canada's Defence Policy. Interview March 30, 2000.

50. Canada. 1994 White Paper on Defence; http://dnd.ca/ENG/min/reports/94wpaper/six.html#Perspective.

51. Interviews with Edward Rees (E-mail, March 30, 2000), Valerie Keyes, Sen. Pierre De Bané; and Michael Small, director of the Peace-building and Human Security Division of DFAIT (interview Jan. 21, 2000).

52. ** Note: the committee heard hundreds of witnesses, and the proceedings are transcribed in three large volumes. Time did not permit me to look through every presentation. However, I did look through the entire second volume of proceedings and some of the third. So my observations reflect the presentations I found therein.

53. Lieut.-Col. Roger Turnell, President of the Defence Medical Association, called for "adequate emergency medical responses"; but he meant either for injured Canadian Forces serving abroad, or for the provision of emergency medical responses in the event of a Canadian disaster (Turnell, June 14, 1994; Parliament of Canada. Proceedings of the Special Joint Committee on Canada's Defence Policy. Vol. 2 (Ottawa: Supply and Services Canada, 1994-95) 18:36-18:40); and Karen Brown, director-general for the Atlantic region of Environment Canada, highlighted their creation of an Environmental Emergency Response Support, for which arrangements were finalized with DND in 1994. However, this again referred to domestic disaster assistance for environmental disasters – such as the Manitoba Floods or the Ice Storm years later (Brown, June 14, 1994; ibid 18:).

54. Eugene Leger, June 8, 1994; ibid, 17:51.

55. Betty Plewes, June 2, 1994; Parliament of Canada. Proceedings 15:11.

56. Canada. 1994 White Paper on Defence.

57. Examples in Parliament of Canada, Proceedings: Plewes suggested "dialogue between non-governmental actors and the military in shaping and implementing peacekeeping and peace-building policies" (June 2, 1994: 15:12); Michael Bryans, an independent witness who worked as a consultant for Canada 21 also supported CIMIC and said "there needs to be a breaking down of all the institutional barriers" between the military and NGOs (June 2, 1994: 15:20); John Watson, then-executive director of CARE, stressed the need for a "high degree of co-ordination" between the military, humanitarian agencies and the UN, and the need to "clarify roles in conflict." (June 7, 1994: 16:12); and Marvin Frey, Executive Secretary-Elect for the Mennonite Central Committee of Canada, said dialogue is urgently necessary between DND and NGOs (June 15, 1994: 20:17).

58. Watson; ibid 16: 13.

59. Canada. 1994 White Paper on Defence, Chap. 6.

60. David Pugliese, "Military fought landmine ban," Ottawa Citizen, March 13, 1999: A1.

61. Colonel Walter Semianiw, director of peacekeeping policy, response during a question and answer session at a graduate briefing at DND, March 8, 2000.

62. Pierre Trudeau, Statement to the Press by Prime Minister Pierre Elliot Trudeau on April 3, 1969 (S and S No. 69/7); quoted in Larry Stewart, (Ed.) Canadian Defence Policy: Selected Documents 1964-1981, National Security Series, No. 81/2 (Kingston: Queen's University, Centre for International Relations, 1982) 20.

63. Based on statements made by a half-dozen officials at a graduate briefing program at DND. March 8-9 2000.

64. National Defence, Defence Performance and Outlook 2000, Ottawa: Director General Public Affairs, Jan. 2000: 3.

65. Axworthy 1.

66. Whittingham, remark made at the graduate briefing program at DND.

67. Cooper 132.

68. Francis Furtado, of the directorate of arms and proliferation control with the Privy Council Office; comment made at the graduate briefing program at DND on March 9, 2000.

69. "Canadian Forces completes aid mission in Central America," press release, Dec. 10, 1998 (NR-98.096); http://www.dnd.ca/eng/archive/dec98/CF_CentAM_n_e.htm.

70. Norman Hillmer, "Peacekeeping: Canadian invention, Canadian myth," Marston Lafrance lecture, Carleton University, March 11, 1999.

71. Joseph Jockel, The Canadian Forces: Hard Choices, Soft Power (Toronto: The Canadian Institute of Strategic Studies, 1999) 41.

72. Semianiw briefing at DND

73. Hampson and Oliver 403.

Implications théoriques des opérations dites humanitaires : Quel rôle pour l'OTAN et l'ONU dans les interventions humanitaires?

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Lorsque l'on se penche sur des questions de politique internationale, on ne peut négliger les interventions de paix. En effet, les médias font de ces événements des cibles qui laissent place à toutes sortes d'interprétations, de critiques ; sans toutefois que celles-ci soient comprises dans un cadre bien défini. L'intervention militaire de l'OTAN au Kosovo a suscité des opinions controversées dans ce monde où les conflits sont davantage intraétatiques. À cette époque d'après-guerre froide, on assiste à une redéfinition des opérations de paix dans un système en pleine mondialisation, à une redéfinition des rôles des institutions internationales qui s'enracinent dans ce système, à une redéfinition des normes sans pour autant qu'elles soient institutionnalisées; c'est pour cette diversité de raisons qu'il semble pertinent d'utiliser des concepts théoriques pour clarifier ces changements.

Nous avons pour but d'analyser l'intervention de l'OTAN au Kosovo : d'utiliser la force pour imposer la paix à un État souverain selon les principes des droits humains. Pourquoi l'OTAN prend de plus de plus d'autorité sur la scène internationale où l'architecture sécuritaire est en construction? Pourquoi l'ONU reste muette, même s'il lui revient le rôle de gardienne de paix mondiale? Est-ce que l'OTAN, une organisation militaire régionale puissante qui tend à devenir une organisation de sécurité collective, peut veiller au respect de la Charte des Nations unies selon son interprétation des articles? Est-ce que l'OTAN essaie de prendre la place de gendarme de paix, du moins en Europe, puisqu'elle agit, pour la première fois de l'histoire, sans mandat de l'ONU?

Afin de répondre à ces questions, nous rapprocherons, d'une façon originale, trois concepts des relations internationales. Nous utiliserons le concept de norme que nous transposerons aux droits humains. Ensuite, nous emploierons le concept d'autorité mondiale et finalement, nous aurons recours à la puissance réaliste pour compléter notre analyse. Ce cadre d'analyse nous semble pertinent dans la mesure où ces trois éléments sont essentiels à la réussite d'une intervention d'imposition de la paix. En effet, la force militaire est nécessaire pour dissuader le contrevenant et pour

entreprendre l'action sur le terrain; les normes pour justifier et inspirer l'action; et l'autorité pour légitimer ou légaliser l'action. Ainsi, la relation entre les concepts démontre leur dépendance l'un envers l'autre pour la réussite d'une intervention humanitaire, et sur ce point, le pont entre les différentes approches peut constituer un apport intéressant pour la théorie des relations internationales. Ce procédé nous semble pertinent dans la mesure où l'on ne peut s'attarder à une seule ligne de pensée puisque les interventions humanitaires sont dans une impasse théorique. Les explications respectives des différentes écoles ne sont pas suffisantes pour étudier les interventions humanitaires, et nous croyons pouvoir proposer une vision intéressante pour comprendre et expliquer ce type d'intervention internationale.

Des normes humanitaires en progression?

Définition d'une norme

> Le concept de norme a pris forme sous l'école constructiviste dont la thèse de départ est que la structure n'est pas anarchique en soi, matérielle, comme le prétendent les théories traditionnelles, mais socialement construite regroupant la culture, les normes, les identités et les institutions qui affectent les acteurs. La structure culturelle façonne les identités et les intérêts. " They are interested in how strutures of constructed meaning, embodied in norms or identities, affect what states do. "(1)

Pour les eux, l'acteur principal du système international est l'État. Leur analyse consiste à comprendre de quelles façons les États sont influencés par les normes et leurs identités. Tout repose sur la perception intersubjective des autres États. " The process of cooperating tends to redefine those reasons by reconstituting identities and interests in terms of new intersubjective understandings and commitments. "(2)

Ils prônent le changement social puisque le contexte normatif influence les identités et les intérêts des acteurs internationaux. La normativité est d'une importance majeure dans l'intervention militaire d'imposition de la paix au Kosovo. " Specifically, normative understandings about which human beings merit military protection and about the way in which such protection must be implemented have changed, and state behavior has changed accordingly. This broad correlation establishes the norms explanation as plausible. "(3) Implicitement, les valeurs que sous-tendent cette approche sont la paix, la coopération et la possibilité de forger un monde meilleur ou les normes internationales seraient institutionnalisées.

Tout d'abord, le concept de norme est largement couvert par les théories des relations internationales. Depuis la fin de la Guerre froide, on dénote un accroissement de l'importance des normes. On évoque ici les droits humains. On constate ainsi une popularité de l'école constructiviste parce que les approches réalistes et libérales n'apportent pas d'explication satisfaisante pour les interventions humanitaires puisque ce genre d'intervention n'est pas stimulé par des intérêts géostratégiques, économiques ou démocratiques.

Nous adopterons la définition de norme suivante : " collective expectations about proper behavior for a given identity ".4 Il existe plusieurs types de normes. Nous concentrerons notre analyse sur les normes qui règlent le comportement des acteurs importants des politiques internationales. Comment les normes affectent les identités et les comportements? D'où viennent les normes? Il paraît intéressant de décrire " the complex process of interaction among states by which norms are interpreted and elaborated in the course of application and enforcement ".(4)

La norme humanitaire : les droits de l'Homme

Il existe des normes légales et des normes légitimes. Dans le premier cas, des accords sont conclus entre États pour ériger un système de normes gouverné par le droit international qui établit les règles de conduite des États. Les normes implantées par les traités sont des normes légales. Ce droit international est codifié dans la Convention de Vienne en vertu de l'Article 26. La principale caractéristique de cette norme est que les États sont dans l'obligation de s'y conformer.(5) Par contre, le droit international fait miroiter des critiques qu'on ne peut outrepasser. Il n'existe pas de hiérarchie de ces normes ; les sources sont multiples; la loi du plus fort règne; il n'existe pas d'instance suprême de qualification puisque la Cour Internationale de Justice doit avoir préalablement l'accord des États; et la multiplication des règles de droits, mais elles restent inappliquées.(6)

Afin de légitimer une norme qui n'est pas légale en soi, des facteurs sont évoquées pour l'équité d'une norme. Une norme doit être juste et émaner d'une procédure acceptée; elle doit être sans discrimination; et ne doit pas offenser un minimum de standards de justice et d'équité.(7)

Par quel processus une norme est-elle développée, élaborée pour enfin affecter le comportement des États? Chayes et Chayes, dans leur ouvrage, The New Sovereignty, proposent les facteurs suivants. D'abord, la justification et le discours : " The discursive elaboration and application of treaty norms in the heart of the compliance process. The dynamic of justification is the search for a common understanding of the signifiance of the norm in the specific situation presented."(8) Ensuite, l'interdépendance et la complexité des relations internationales font surgir des normes pour que les États puissent accomplir leurs objectifs. Puis, le rôle des organisations internationales dans le discours sur la légalité internationale introduit le pouvoir du Conseil de sécurité des Nations unies. Des normes guident l'interprétation de la Charte.

Afin d'appliquer ce concept à l'intervention de la paix au Kosovo, nous discuterons de la norme humanitaire ayant influencé, selon les discours, l'intervention militaire de l'OTAN au Kosovo. Est-ce que les droits humains sont une norme légale ? La norme humanitaire a été développé à l'ONU. Dans le Chapitre I, Article 3, la Charte mentionne " le respect des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion ". De plus, plusieurs pays ont ratifié la Charte des Droits de l'Homme, signifiant qu'ils ont un engagement envers leur signature. La norme humanitaire puise ses racines dans une série de conventions,

de pactes et de déclarations :

- Déclaration universelle des Droits de l'Homme adoptée et proclamée par l'Assemblée générale des Nations unies le 10 décembre 1948;
- Convention pour la prévention et la répression du crime de génocide adopté par l'Assemblée générale des Nations unies le 9 décembre 1948;
- Convention internationale sur l'élimination de toutes les formes de discrimination raciale adoptée par l'Assemblée générale des Nations unies le 21 décembre 1965;
- Pacte international relatif aux droits économiques, sociaux et culturels adopté le 16 décembre 1966;
- Pacte international relatif aux droits civils et politiques adopté le 16 décembre 1966;
- Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes faite à New York le 1e mars 1980;
- Convention contre la torture et autres peines ou traitements cruels et inhumains ou dégradants adoptée à New York le 10 décembre 1984;
- Convention relative aux Droits de l'Enfant adoptée à New York le 26 janvier 1990.(9)

Cette norme prend de plus en plus d'ampleur dans les relations internationales. Ses moyens de diffusion sont multiples. Elle se répand par les États, au sein des institutions, et par les médias où l'individu se sent concerné. Même si elle peut paraître légitime, il n'existe pas de cadre contraignant pour que les États se soumettent au respect des droits humains ; aucune police onusienne veille au principe mentionné auparavant. Par contre, cette norme est très présente dans les institutions internationales puisque plusieurs d'entre elles obligent les contractants à s'y soumettre, sans quoi leur adhésion est refusée. Les institutions sont l'un des meilleurs instruments pour promouvoir les normes.

Dualité entre l'ingérence humanitaire et la souveraineté

Dans le cas du Kosovo, l'ONU a statué tardivement sur la situation en déclarant l'existence d'un génocide. Par cette interprétation, la norme humanitaire devient légale. Par contre, est-ce légal d'utiliser la force pour imposer une norme? " Il s'agit, en réalité, de savoir si oui ou non les forces de l'ONU peuvent faire respecter par la force les accords qu'elles sont censées garantir. "(10) On constate une flagrante contradiction dans la Charte de l'ONU entre la souveraineté et l'ingérence au nom de la protection des droits humains. Il est clairement mentionné dans l'article 2, alinéa 7 " qu'aucune disposition de la présente Charte n'autorise les Nations unies à intervenir dans les affaires qui relèvent essentiellement de la compétence nationale d'un État. " Par contre, la suite de cet alinéa dit : " toutefois, ce principe ne porte en rien atteinte à l'application des mesures de coercition prévues au Chapitre VII. " Dans ce chapitre, on mentionne la possibilité de recourir à la force pour " toute action que le Conseil de sécurité juge nécessaire au maintien ou au rétablissement de la paix et de la sécurité internationale. " Les normes ne sont pas hiérarchisées, ce qui entraîne une dualité entre la norme de souveraineté, principe westphalien fondateur du système international et les droits humains.

On peut donc évoquer ici les difficultés soulevées par la compréhension intersubjective. En effet, étant donné qu'il n'existe pas de codification de ces normes, chacun privilégie celle qui lui semble la plus importante. Pour les États membres de l'OTAN, il est clair que la norme humanitaire est plus forte que celle de la souveraineté, mais Milosevic soutient le contraire. D'ailleurs, la principale revendication qu'il émettait à l'égard des actions militaires de l'OTAN contre lui était ie respect de la souveraineté étatique. L'identité yougoslave n'est pas touchée par la norme humanitaire, son comportement réagit selon sa perception de la souveraineté. Pour certain, l'intervention d'imposition de la paix par la force de l'OTAN est perçue comme une solution au malheur de la population kosovare, mais pour d'autres, cette intervention revêt un caractère d'agression envers un autre État.

L'OTAN a opté pour l'imposition par la force de la norme humanitaire. Cette forme d'action pourrait bien être une accélération de l'institutionnalisation de cette norme au détriment de la souveraineté qui se voit dénaturée. " At the most general level, the debate over human rights forms part of a more fundamental debate over the changing nature of sovereignty, since the doctrine of internationaly protected human rights offers one of the most powerful critiques of sovereignty as the concept is currently understood, and the practices of human rights law offer concrete examples of shifting understandings of the limits of sovereingty. "(11) Nous constatons que la norme humanitaire est très présente dans la culture de l'Europe occidentale, les États-Unis et le Canada; et que celle-ci est en pleine expansion.

Le Canada et la norme humanitaire : la sécurité humaine

On dénote actuellement un manque d'institutionnalisation de la norme humanitaire, mais cette norme est en plein processus puisque plusieurs identités étatiques, plus particulièrement des États démocratiques, sont affectés par ses valeurs. Le livre blanc de la politique étrangère canadienne promulgué par Loyd Axworthy démontre l'expansion de cette norme, ainsi que les efforts canadiens pour mener le concept de sécurité humaine à la table des pour parler de l'ONU. Le concept de sécurité humaine puise son origine aux Nations unies, dans la Déclaration des droits de l'homme, la Convention de Genève et le Rapport du PNUD. Pour M.Axworthy, " il s'agit essentiellement d'édifier une société mondiale où la sécurité de l'être humain est au centre des priorités internationales et constitue une motivation qui pousse à agir concrètement à l'échelle internationale. Une société où les normes humanitaires internationales et la primauté du droit sont promues et tissées afin de former un filet de sécurité pour les personnes. Une société où les violateurs des normes humanitaires sont tenus entièrement responsables. Une société où les institutions internationales, régionales et bilatérales, actuelles et futures, sont bâties et équipées de manière à relever et à appliquer ces normes. "(12)

La sécurité humaine est donc la protection de l'individu lorsque les droits fondamentaux de la personnes sont brimés. C'est d'une autre façon que la sécurité humaine nous propose d'appréhender la scène internationale puisque l'individu se retrouve au centre des politiques. L'objet à sécuriser n'est plus seulement l'État et son territoire, mais l'individu. Pour ainsi favoriser la sécurité humaine, des facteurs doivent

être considérés :

- De quelle façon la politique étrangère peut faire progresser la sécurité humaine. Est-ce que les actions d'une politique répondent aux objectifs de la sécurité de l'individu. Qu'est-ce que l'individu perçoit comme menace à sa sécurité?;
- Comment les populations définissent leur sécurité puisque différents groupes conçoivent leur sécurité d'une manière différente;
- La sécurité humaine doit être liée au développement démocratique et aux droits de la personne. Ils doivent se servir mutuellement;
- La sécurité humaine doit s'intégrer à la relation entre la sécurité et l'État. La militarisation pour assurer la sécurité nationale peut entraver la sécurité humaine.
- L'insécurité humaine peut être causée par l'incapacité de l'État d'assurer la sécurité collective de sa population;
- L'intervention humanitaire doit être légitime lorsque la sécurité humaine est entravée. Dans quelles conditions l'utilisation de la force au nom de la sécurité humaine est légitime? ;
- La meilleur façon de servir la sécurité humaine est par la voie préventive plutôt que réactionnelle.(13)

Nous pouvons ajouter que l'on doit s'attaquer aux causes profondes de l'insécurité humaine et non seulement appliquer le concept de sécurité humaine lors d'une action humanitaire.

Afin d'atteindre les objectifs de la sécurité humaine, les institutions internationales doivent collaborer, mais l'ONU, plus particulièrement le Conseil de sécurité ne reconnaît pas la pertinence de ce concept. Elle serait grandement aidée par une réforme de Conseil de sécurité, quasi impossible actuellement étant donné l'obstacle majeur du droit de veto. Le débat entre les interventions humanitaires et la souveraineté, soit la non-utilisation de la force et la non-intervention dans les affaires nationales animent davantage les discussions. De plus, il s'agit d'un projet encore embryonnaire, lourd de conséquences. C'est une idée riche de contenu, mais la transition vers ce type de système de sécurité est loin de répondre au aspiration des autres pays, pour qui la norme de souveraineté prédomine sur celle à caractère humanitaire. Aussi, chacun détermine sa sécurité en fonction de sa culture et ses valeurs, il devient donc difficile d'établir une seule norme de sécurité humaine. On peut croire au potentiel quelque peu idéaliste de la sécurité humaine pour les décennies futures, un volet de la politique étrangère canadienne correspondant à sa tradition dans les missions de paix, mais il est plus adéquat de se concentrer sur la norme humanitaire axée sur les droits de la personne ratifiés par 180 États.

L'interprétation par le concept de norme, propose une vision intéressante de l'intervention de paix otannienne. En effet, il est pertinent de sortir du cadre paradigmatique traditionnel et ainsi constater le pouvoir des normes. D'après l'évolution des droits humains, nous constatons que le processus d'institutionnalisation de cette norme s'achemine et nécessitera, d'après nous, une autorité internationale. Cette autorité peut trouver ses racines dans l'ONU, mais cette dernière ne possède pas de capacité coercitive adéquate pour les supporter. L'OTAN tente actuellement de définir son rôle international dans cette perspective.

L'autorité mondiale à la rescousse des normes humanitaires

L'autorité mondiale de la gouvernance globale

L'approche de la gouvernance globale s'attarde à ce que devrait être le système international et non sur ce qu'il est, tout en proposant une conception utopique d'une gouvernance mondiale centralisée qui transcende le système étatique et ce, au service des humains. Elle suggère une réforme globale où l'ordre mondial est assuré par une certaine autorité centrale se basant sur un système de normes et de valeurs. Elle espère changer l'ordre mondial. " By world order transformation we mean a fondamental change in the normative and structural variables of the existing international order to such an extent that a new configuration of political actors with new orientations toward power, well-being, and governance emerges. "(14)

D'abord, les normes et les valeurs sont à la base de leur propos pour ainsi fonder un nouvel ordre mondial. Les valeurs soutenues par cette théorie sont la paix, le bien-être économique, la dignité humaine respectant la justice sociale et les droits de chacun ; et l'intégrité écologique. C'est une vision qui croit en la possibilité du changement social pour ainsi favoriser ces valeurs.

Richard Falk, dans son ouvrage On Humane Governance : Toward a New Global Politics, faisant état des recherches du World Order Models Project (WOMP) qui regroupe des chercheurs ambitieux de réformer le monde, présente les concepts originaux de gouvernance humaine et de géogouvernance. La gouvernance humaine se rapproche de la sécurité humaine. " Humane governance, in this usage, is as concerned with equity and human distress as it is with stability and sustainability. It is sensitive to the claims of the unborn for undiminished life prospects. Shaping the structures and practices of governance in humane directions is the core task of democratizing processes. "(15) L'expansion de la démocratie non seulement aux États, mais à l'ensemble des domaines transnationaux, est liée à la gouvernance humaine. Cette vision de la gouvernance humaine joint le global au régional, le national au personnel. (16) " They associate hope with the empowering potentialities of transnational democratic tendencies, and their cumulative prospect of creating a global civil society capable of realizing human rights for all peoples on the earth. This global civil society must be both respectful of and celebratory toward cultural diversity, and mindful of human solidarity and planetary unity in the struggles against cruelty, violence, exploitation, and environmental decay. "(17)

Pour sa part, la géogouvernance signifie que le monde progresse rapidement vers l'intégration économique, culturelle et politique, ce qui diminue la capacité de la souveraineté étatique. La souveraineté se déterritorialise et devient de plus en plus subordonnée à la globalisation. Cette globalisation est donc le processus de transition d'une conception géopolitique du monde vers une géogouvernance. Il perçoit la structure du monde d'une façon anarchique puisque pour eux l'anarchie ne peut être contrôlée que par une autorité centrale. Par contre, pour Mendlovitz, " the structures which organize the peoples of the earth are moving in more integrative directions. "

C'est une perspective aspirant à une société civile globale qui établit un ordre du monde juste dans laquelle l'ONU, ayant subit une réforme radicale, est l'autorité centrale pour assurer la gouvernance humaine selon un droit international. Ce droit met en rapport le rôle du citoyen mondial envers sa société civile globale.

Bref, ce beau projet politique rend le concept de sécurité humaine tangible, mais la réalité internationale n'est pas aussi prête à faire la transition telle que présentée par Falk, vers ce type de gouvernance. Pour ces idéalistes, il existe une lueur d'espoir :

" This vision of humane governance is attainable, and thus is not utopian in a technical sense. Its attainment will be incredibly difficult, and may well seem unlikely given the strength of contrary tendencies, especially the linkage between media, capital expansion, consumerism, military technology, and the geopolitical mindset. But historical outcomes have included many surprises, some exhilarating, others shocking. We have little to lose, much to gain, by walking the paths of the citizen pilgrim, dedicated to achieving the type of geogovernance that can also be said to embody the hopes and dreams of humane governance. "(18)

Le concept d'autorité mondiale nous intéresse dans la mesure où l'action de l'OTAN au Kosovo reposait, selon le Canada, sur la sécurité humaine. Selon le principe de cette nouvelle forme de sécurité, est-ce que l'on peut légaliser l'intervention? De plus, comment peut-on aborder l'imposition de la paix par la force sans une autorité reconnue? Nous tenterons donc de démystifier cette autorité au Kosovo ; les formes qu'elle a pu revêtir.

Le concept d'autorité mondiale suggere un transfert partiel du pouvoir à une autorité supranationale. Il diffère d'un gouvernement mondial puisque ce gouvernement présuppose la dissolution de l'État-nation et la création d'un gouvernement central désigné pour diriger le monde. L'autorité mondiale, quant à elle, requiert que l'État-nation soit maintenue avec un transfert partiel du pouvoir à une institution qui opèrera dans un champ de compétence bien défini. " Il is assumed that the World Authority will be initially entrusted with two major tasks : peace maintenance with a view to enforcing general disarmement and eventually abolishing war, and the restructuring of international economic relations with a view to overcoming the present economic crisis and eleminating the glaring inequality between the developed and developing nations. "(19) Ce projet suppose un système économique, social, démocratique et politique ; ainsi qu'un désarmement militaire général qui laisse place à une police mondiale et un tribunal mondial qui assureraient le respect de l'autorité et interviendraient où la loi est violée selon une nouvelle formulation d'un code de loi international et pour le rétablissement de la paix. Cette autorité n'interviendrait pas dans l'exercice de la souveraineté de l'État-nation et dans leur sphère d'activités domestiques. Une force de police nationale doit être maintenue pour assurer la sécurité nationale. La police mondiale quant à elle veillerait au respect du bon fonctionnement de l'ensemble du monde, soit la résolution des conflits interétatiques et elle pourrait s'imposer pour défendre l'exploitation des classes, l'oppression des minorités et pour la création d'une meilleure société.

L'ONU mandataire de l'autorité mondiale ; l'OTAN s'accapare le chapeau

L'institution internationale dont ce soucient ces idéalistes pour créer cette autorité est l'ONU. Elle possède les bases légales d'une autorité supranationale. En effet, tous les états adhérents lui confèrent ce rôle, même si celui-ci est actuellement très limité selon les principes idéalistes. Des efforts considérables sans succès ont été faits par Boutros Boutros-Ghali pour réformer l'ONU dans L'Agenda pour la Paix, donnant plus d'autorité et de puissance à cette organisation de sécurité collective, mais on constate un manque flagrant de volonté politique pour rendre ce projet fonctionnel. Les États préfèrent conserver leur pouvoir déjà acquis.

Le principal mandat de l'ONU est toujours de maintenir la paix et la sécurité internationale. Il ne faut pas oublier que cette institution a été créée au lendemain de la deuxième guerre mondiale pour prévenir et régler des conflits interétatiques. Le processus décisionnel de l'ONU, reposant sur le veto des membres du Conseil de sécurité, où la Chine s'oppose à toutes formes d'ingérence ; et sa Charte conçue pour répondre à des conflits entre États, n'ont pas été adaptés pour intervenir dans la sphère de la souveraineté étatique, même si la Charte laisse place à toutes sortes d'interprétations. Il est clairement mentionné dans l'Article 2, alinéa 1 que " l'Organisation est fondée sur le principe de l'égalité souveraine de tous ses membres. " Plus d'un demi-siècle après la rédaction de la Charte, il devient difficile d'assurer la sécurité internationale selon ce principe. Par contre, dans l'Article 39, il revient au Conseil de sécurité de constater l'existence d'une menace contre la paix, d'une agression ou d'une rupture de la paix. Il peut ensuite, d'après le chapitre VII, recommander l'utilisation de moyens coercitifs pour remédier à la situation. L'ONU possède donc une autorité mondiale lorsqu'il s'agit de protéger des populations en respectant les principes d'égalité des peuples et de leur droit à disposer d'eux-mêmes, si c'est jugé comme une menace contre la paix et la sécurité. Cette autorité n'est pas aussi concise que l'envisagent ces idéalistes. L'ONU agit plutôt dans ses champs de compétences et selon ses moyens.

Des résolutions ont été faites par le Conseil de sécurité sur la situation au Kosovo en constatant le 24 octobre 1998 une " situation humanitaire grave au Kosovo et de l'imminence d'une catastrophe humanitaire ".

Par ces constatations du Conseil de sécurité, l'OTAN est-elle en droit d'intervenir au Kosovo puisqu'elle a le mandat, en vertu des accords de Dayton signées le 14 décembre 1995, de maintenir la paix en Bosnie? Étant donné que les efforts diplomatiques de Rambouillet ont été un échec, l'OTAN a opté pour l'utilisation de la force afin de résoudre le conflit. Une fois les bombardements déclenchés, provoquant l'exil de réfugiés albanais kosovars, le Conseil de sécurité a confirmé que ces Kosovars étaient victimes d'un nettoyage ethnique et qu'on était en présence d'un génocide, ce qui condamne Milosevic au tribunal criminel international pour l'ex-Yougoslavie. Milosevic a finalement été condamné en mai 1999. " Le tribunal criminel pour l'ex-Yougoslavie est voulu par le gardien de l'ordre mondial, le Conseil de sécurité, qui, dans ce cas, élargit substantiellement la notion de menace contre la paix, celle-ci ce manifestant non seulement par des actes d'agression mais encore par des comportements criminels. "[(20)] Cette instance onusienne élargit l'autorité mondiale.

L'ONU, dans le conflit kosovar, n'a pas eu les moyens de déployer de force coercitive pour appliquer les résolutions faites par le Conseil de sécurité. La raison est simple : l'inefficacité du Conseil de Sécurité, ce qui empêche tout consentement d'utiliser la force pour protéger des populations.

Par contre, l'OTAN est-elle en droit d'agir seule, sans consentement du Conseil de sécurité, pour ainsi veiller au respect non seulement de la Charte, mais aussi à l'application des résolutions? L'OTAN dans son nouveau concept stratégique tente de combler ce vide sécuritaire. Il avait pour but de se donner un second souffle et garder sa raison d'être. De passer d'une alliance essentiellement militaire à une organisation de sécurité collective en se basant sur les principes de la Charte des Nations unies. L'OTAN s'adapte plus que l'ONU à la situation post-guerre froide. Même si l'OTAN répond au mandat qu'elle s'est fixée, ainsi que de la nécessité d'une autorité institutionnelle dans ce monde en pleine mondialisation, ses actions ne reposent pas sur un droit international précis. Le texte de droit international n'est que la Charte des Nations unies. Il n'y a que l'ONU qui puisse envisager une intervention intraétatique. Par contre, l'Article 52 de la Charte des Nations unies soutient " qu'aucune disposition de la présente Charte ne s'oppose à l'existence d'accords ou d'organismes régionaux (en occurrence l'OTAN) destinés à régler les affaires qui, touchant au maintien de la paix et de la sécurité internationale, se prêtent à une action de caractère régional, pourvu que ces accords ou ces organismes et leurs activités soient compatibles avec les buts et principes des Nations unies ".

Dans la logique de notre démonstration, l'OTAN n'a fait que compléter l'ONU : utiliser la force comme dernier recours, ce que l'ONU ne pouvait faire.

Nous pourrions donc entrevoir le potentiel pour les interventions d'un coupie ONU-OTAN. Pour justifier une intervention armée de l'OTAN selon le principe d'ingérence humanitaire qui semble légitime, il faudrait un droit international solide. Étant donné que ce droit international est absent, que l'institutionnalisation de la norme humanitaire n'est pas mise sur pied, l'OTAN devra travailler à consolider ses rapports avec l'ONU détenant l'autorité mondiale pour imposer des normes internationales, de définir son rôle international dans cette perspective. " This is the essence of the debate over ratification of number of human rights treaties, since they involve not only the international codification of norms but also specific mechanisms for the international supervision of domestic practices. "[(21)] Voilà donc un rapprochement intéressant entre l'école de pensée des normes et de l'autorité mondiale. La norme de sécurité humaine devra préalablement avoir affectée les identités étatiques, pour qu'ensuite les États réforment l'ONU favorisant ainsi la gouvernance humaine.

La puissance au servir de quoi?

Brièvement, les réalistes, de qui nous prenons le concept de puissance, ne croient pas en la sécurité humaine. Les droits humains ne sont pas responsables de l'intervention de l'OTAN au Kosovo. La démonstration faite jusqu'à présent est complètement détruite selon les lunettes réalistes du conflit kosovar. La protection des droits de la personne n'est qu'un discours pour embellir l'expansion de la sphère d'influence de

l'OTAN. Cette action répond de l'intérêt national des États. De plus, " States coexist in a condition of anarchy. If one state is attacked by another, no means of protection are available other than those which the attacked state is able to muster. No authoritative agency can be called upon to resolve disputes among states. "(22)

Quelle est donc la réponse réaliste aux opérations dites humanitaires? Les réalistes ne croient pas que les droits de la personne doivent être sécurisés au niveau international, ils sont plutôt abordés dans la sphère étatique. " It is commonplace that some of the most influential versions of realism in international relations theory view morality as having little or no place in the international sphere. "(23) Les droits humains sont l'affaire de l'État. La sécurité humaine prend forme au sein des politiques domestiques. De plus, les interventions humanitaires ne sont rien de plus qu'un discours dissimulant les vrais motifs. " Since statesmen and diplomats are wont to justify their actions and objectives in moral terms, regardless of their actual motives, it would be equally erroneous to take thoser protestations of selfless and peaceful intentions, of humanitarian purposes, and ideals at their face values. "(24)

La puissance réaliste

Le seul acteur dominant dont se soucient ces réalistes est l'État. Les institutions, les firmes multinationales et les groupes de pressions transnationaux ont peu de pouvoir d'influer sur le cours des événements. Le chef d'État, guidé par la rationalité, se doit d'assurer la survie de l'État en fonction de l'intérêt national défini comme ce que les décideurs ont tenu pour tel. Toute décision est l'expression de l'intérêt national.(25) L'intérêt national " c'est l'acquisition des moyens de puissance en vue d'assurer la sécurité, la prospérité et la sauvegarde de l'identité nationale ".(26)

Dans un système d'une structure anarchique, l'État ou plutôt ses dirigeants, n'ont pour but que de répondre rationnellement à leurs intérêts, ceux-ci définis qu'en termes de puissance. Telle une jungle, la survie des États devient le but ultime de leurs objectifs politiques. Les États sont des entités indépendantes qui réagissent les uns envers les autres, sans subir d'influence externe. " Self-help is necessarily the principle of action in an anarchic order. "(27) Afin d'assurer un certain ordre, une hiérarchie entre les États se crée, en dépit d'une autorité internationale pour régulariser le chaos.

La puissance réaliste nous est pertinente pour deux raisons. Premièrement, elle complète notre paradigme puisqu'elle est nécessaire pour réussir une opération d'imposition de la paix, celle-ci nécessitant des forces militaires pour garantir le respect des accords inclus dans la Charte des Nations unies. Deuxièmement, l'explication réaliste de l'utilisation de la force au Kosovo répond à des motifs différents de celles soulevées dans l'explication des deux autres concepts.

Selon Morgenthau, " la puissance est un contrôle humain sur l'esprit et les actions de d'autres hommes. La puissance politique est une relation psychologique entre ceux qui l'exercent et ceux sur lesquels elle s'exerce. Elle donne aux premiers un contrôle sur certaines actions des seconds par le biais de l'impact que les premiers exercent sur la

pensée des seconds. "[28] Pour Aron, " j'appelle puissance sur la scène internationale la capacité d'une unité politique d'imposer sa volonté aux autres unités. "[29] Aron distingue deux formes de puissance :la puissance offensive étant la capacité d'imposer sa volonté, et défensive soit la capacité de ne pas succomber à la volonté des autres. Il est important de ne pas confondre les concepts de puissance et force. La force peut être de trois niveaux : l'espace ; les matériaux et le savoir, plus précisément le nombre d'hommes et la qualité des outils disponibles ; et la capacité d'action collective.[30] La puissance est la capacité de mobiliser les éléments de force dans le but d'accomplir des objectifs politiques. Voilà donc brièvement la notion de puissance et de force militaire. Nous avons retenu les éléments qui nous semblent les plus importants pour la suite de notre présentation.

L'intervention au Kosovo selon la notion la puissance

Pour quelles raisons l'OTAN est intervenue au Kosovo? Ou plus précisément, pourquoi les États-Unis ont déployé les forces de l'OTAN pour contrer les ambitions d'une grande Serbie chéries par Slobodan Milosevic? Pourquoi l'OTAN intervient au Kosovo et non au Timor Oriental, par exemple? D'après l'explication réaliste, la raison est simple. L'action ne fait que répondre aux intérêts nationaux pouvant devenir collectifs. En effet, les États membres de l'Alliance atlantique ont tous intérêt à préserver la survie de cette organisation militaire de défense mutuelle, pour ainsi assurer leur sécurité nationale et leur prospérité. Les États-Unis, par le biais de l'OTAN, veulent étendre et préserver leur hégémonie politique. L'expansion de la sphère d'influence de l'OTAN au Kosovo, combiné avec son statut en Bosnie, ne peut qu'être bénéfique pour les intérêts américains. Une non-intervention aurait pu déstabiliser la Bosnie. L'intervention de l'OTAN au Kosovo semble tout à fait favorable à l'intérêt hégémonique américain. Quant aux autres membres de l'OTAN, ceux-ci voient leur sécurité en grande partie, assurée par la super-puissance. Il se soumettent donc à la volonté du grand patron. De plus, l'élargissement de l'OTAN pourrait répondre au concept de " bandwagoning " pour assurer la sécurité en Europe et ainsi expliquer la survie de l'alliance qui aurait dû se démanteler de concert avec l'effondrement du régime soviétique et l'éclatement du Pacte de Varsovie. Les réalistes expliquent difficilement la survie de l'OTAN.

L'action de l'OTAN répondait davantage aux ambitions hégémoniques américaines qu'aux intérêts géopolitiques. Il y avait peu d'enjeux stratégiques au Kosovo, si ce n'est que de provoquer l'escalade du conflit à l'ensemble des Balkans pouvant ainsi s'étendre à la Grèce et à la Turquie, les frères ennemis de l'OTAN.

D'un autre angle, la réaction de Milosevic se conforme la thèse d'intérêt national et de puissance réaliste. Milosevic recherche l'expansion du pouvoir, ce qui est bien légitime pour les réalistes. Il veut aussi préserver l'identité nationale serbe, et ce même s'il doit recourir au nettoyage ethnique. Cet acte répond à la définition d'intérêt national. Même si les droits des Albanais kosovars sont brimés, ce peuple n'est pas en droit de se rebeller contre son chef d'État, la légitime représentation de la volonté collective. Nous constatons une flagrante contradiction dans les prémisses réalistes et l'intervention de l'OTAN. En effet, l'OTAN avait pour but de défendre les Kosovars albanais contre leur

chef d'État, ce qui est inexplicable d'une vision réaliste. Par contre, l'action otannienne peut aussi être le reflet d'une volonté de contrôler le territoire.

La réponse serbe de ne pas se plier à la volonté de son adversaire est une réaction légitime face à un agresseur. La diplomatie coercitive, qui consiste en la possibilité de recourir à la force pour intimider l'adversaire et le convaincre de se plier à la volonté de l'autre, a démontré les représailles que subirait l'État serbe. Il était évident que les forces de l'OTAN étaient nettement supérieures et que la bataille était perdue d'avance. Mais quels sont les bénéfices du vainqueur et les pertes du vaincu. En termes réalistes, l'OTAN a gagné la guerre, mais a gagné quoi? Milosevic a été défait. Mais, l'exil de réfugiés, provoqué par le début de la guerre, a satisfait des objectifs serbes puisque les kosovars ont quitté le territoire, ce que Milosevic voulait. Certes, l' OTAN a agrandi sa sphère d'influence sans perte humaine occidentale, mais à quelles conditions? Il coûtera des sommes faramineuses à l'OTAN pour la supervision de la reconstruction et le maintien de la paix. Quels sont donc les avantages de la guerre dans un monde en pleine mondialisation et d'adaptation? Peut-on donc parler d'une nouvelle forme de guerre appelée humanitaire puisque les enjeux, les gains et les conséquences sont différents de la guerre au sens traditionnel et stratégique?

- Dans autre ordre d'idée, imposer la paix à un État enfreignant les principes de la Charte de l'ONU, comme l'a fait l'ex-Yougoslavie, requiert une force militaire pour contrer l'agresseur à poursuivre ses agressions. Une force redoutable doit pouvoir être disponible. La force militaire de l'OTAN déployée au Kosovo a démontré les possibilités de mener une opération d'imposition de la paix mais elle est inconcevable dans le cadre strict de l'ONU. La force militaire est nécessaire sans quoi l'idée même d'imposer la paix est vide de contenue. Ce concept a été présenté dans l'Agenda pour la paix, mais il n'a pas reçu l'éloge escompté. " Le Conseil de sécurité n'a pas de bras armé à sa disposition, les forces des Nations unies ne disposent d'aucune doctrine cohérente, les Casques bleus continuent d'être placés dans des situations impossibles... Des massacres se déroulent sous leurs yeux sans qu'ils aient ni l'autorisation ni les moyens de s'y opposer. "[31] Dans ce vide conceptuel, la complémentarité entre l'OTAN et l'ONU est une voie intéressante, du moins en Europe, puisqu'il est peu probable que prochainement l'OTAN intervienne hors des frontières de l'Europe occidentales et de quelques pays limitrophes pouvant affecter les intérêts de l'OTAN. Par contre, l'OTAN ne veut subir aucune subordination à l'ONU ou à une quelconque législation. Elle préfère agir seule sans contrainte, sauvegardant son efficacité.

Conclusion

En guise de conclusion, les trois visions présentées nous donnent un aperçu de la complexité d'analyser les interventions humanitaires. Se positionner dans un tel contexte devient une tâche délicate si l'on tente de chercher l'impartialité. Les théories des relations internationales sont chargées de valeurs normatives qui peuvent difficilement être esquivées. Toutes ces nuances nous éclairent sur la façon d'appréhender les rôles de l'ONU et de l'OTAN concernant les interventions humanitaires. Il paraît évident que ce type d'action militaire prendra de plus en plus de place dans les relations internationales et l'impasse théorique qu'elles suscitent requiert une nouvelle vision pour ainsi les analyser. Les institutions devront se définir dans

cette perspective pour que les guerres humanitaires deviennent une méthode acceptée de tous pour assurer la paix et la sécurité mondiale.

Il parait aussi pertinent de se questionner sur les méthodes utilisées pour imposer la paix. Qu'advient-il lorsque les États justifient le déploiement de force militaire en territoire souverain au nom de la protections des droits de l'Homme, mais que les moyens utilisés pour atteindre leurs objectifs ne correspondent pas aux valeurs soutenues par cette norme? Les techniques utilisées au Kosovo reposent sur une doctrine militaire traditionnelle. Le bombardement des infrastructures sociales pour anéantir l'ennemi est une technique efficace, mais cette action brime la sécurité d'une population et entrave les normes humanitaires. L'OTAN affirme qu'elle a réussit sa mission, mais sous quelles conditions? L'imposition de la paix s'inscrit dans la logique des missions de paix, elle doit donc considérer la consolidation de la paix. L'OTAN doit adapter l'utilisation de la force au profit des normes et de l'autorité si elle veut favoriser les interventions humanitaires, et l'on pourra ainsi parler de sécurité humaine.

Les normes telles que nous les avons présentées, se combinent facilement avec le concept d'autorité mondiale, et même qu'elles se servent mutuellement. La notion de puissance, quant à elle est beaucoup plus mitigée dans un contexte d'interventions humanitaires puisqu'elle ne repose pas sur les mêmes valeurs. De plus, une alliance militaire qui se prétend devenir une organisation de sécurité collective au service de la Charte de l'ONU repose encore sur une doctrine réaliste ne correspondant pas aux objectifs de leurs missions. Dans un tel paradigme, la puissance réaliste peut aider à la progression des normes, et ce par l'imposition par la force de normes légales et légitimes. Elle peut aussi donner de l'autorité à une institution pour favoriser ces normes et la sécurité internationale, et c'est pour ces raisons que les moyens de puissances méritent d'être repenser pour s'encadrer dans cette nouvelle forme de guerre dites humanitaires.

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La société civile et la sécurité humaine : la politique canadienne de contrôle des armes légères et de petit calibre (ALPC.)

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L'importance de l'apport des « ONG, des universitaires, des gens d'affaires et des simples citoyens »[1] dans la nouvelle politique étrangère canadienne a été à maintes reprises soulignée par le ministre Axworthy dans ses discours. La mise sur pied, depuis 1994, de Forums nationaux sur les Relations internationales constitue d'ailleurs l'expression de cette volonté de démocratiser et de faire participer certains agents non-étatiques à l'élaboration de celle-ci. Toutefois, comme l'a déjà souligné Hay, la participation publique n'a pas clairement été définie comme concept et cela entraîne souvent la déception chez le personnel de l'État comme chez les représentants de la société civile[2]. Dans la mesure où la société civile est invitée à participer à l'élaboration de la politique étrangère canadienne, nous souhaitons évaluer son rôle non pas en terme d'efforts pratiques pour soutenir les politiques gouvernementales, mais au niveau de la définition de ces politiques.

I. Problème de recherche

Depuis quelques années déjà, la notion de sécurité humaine se présente comme la pierre angulaire de l'action politique externe du pays du Canada[3]. Parce que son objet est la personne, cette notion de sécurité se pose à contre-courant d'une conception traditionnelle de la sécurité qui voudrait que l'État et le militaire soit l'essentiel de ce à quoi on réfère lorsqu'il est question de sécurité[4]. En choisissant l'individu comme objet de référence, elle prétend transcender l'intérêt de l'État en accordant la priorité aux personnes[5]. Dès lors, une certaine tension « individu-État » semble émerger de l'adoption, par un État, d'une telle conception de la sécurité[6].

Il semble que cette tension entre l'individu et l'État se manifeste plus particulièrement à travers les relations qu'entretiennent les acteurs sociétaux et étatiques dans l'élaboration et la définition de politiques. D'ailleurs, comme Cooper l'a déjà noté, les demandes d'élargissement de l'agenda en matière de sécurité ne sont pas étrangères à

l'implication des acteurs sociétaux dans le processus de sécurisation[7]. En effet, l'implication massive de représentants de la société civile semble remettre en cause la prépondérance de l'État comme principal acteur dans ce domaine. Par le passé, certains auteurs se sont intéressés aux relations entretenues entre les acteurs sociétaux et les agents étatiques dans la définition d'un problème de sécurité humaine : celui des mines antipersonnel (MAP)[8]. Bien que l'apport des agents sociétaux à la constitution de la norme n'ait pas été remis en question[9], certains ont souligné, à différents degrés, les limites du rôle de ces acteurs au processus d'édification de la politique de sécurité des États face aux MAP.

Ainsi, Larrinaga et Sjolander soulignent que dans ce contexte du « nouveau » multilatéralisme « [t]hc diplomatic tool-kit may be enhanced, but it remains firmly in the hands of the state »[10]. Cela suggère que même si la société civile joue un rôle, l'État reste très influent voir même l'acteur principal de ce processus diplomatique en dépit de l'apport considérable de divers acteurs au processus. D'ailleurs, même le Ministre Axworthy reconnaît les caractéristiques de cette nouvelle approche multilatérale qui demande une plus grande implication de la part de la société civile en soulignant que « civil society activism is the major factor ensuring that governments actually take up the responsibilities that they have acknowledged are theirs »[11]. Par ailleurs, il minimise également l'implication des acteurs sociétaux dans la mesure où il maintient qu'en dernier lieu, ce ne sont pas eux qui signent les traités[12].

Ainsi, c'est la dynamique entre acteurs sociétaux et étatiques à **la lumière d'une conception humaine de la sécurité** qui nous intéresse. Nous souhaitons, par l'étude d'un cas particulier, mettre au jour la relation entre la société civile et l'État dans l'élaboration et la définition d'une politique de sécurité envisagée sous cet angle et cela, en considérant que cette notion ouvre la porte à des demandes d'élargissement de l'agenda en matière de sécurité qui sont soutenues par des acteurs sociétaux. Nous proposons d'étudier un problème international envisagé par le Canada dans une perspective de sécurité humaine et qui implique la participation d'acteurs sociétaux et étatiques : celui des armes légères et de petit calibre (ALPC.)[13]

Notre hypothèse est que devant les demandes d'élargissement provenant de la société civile, le gouvernement canadien privilégiera la réaffirmation de la logique étatique. Par conséquent, nous suggérons que l'implication des acteurs sociétaux en matière de sécurité humaine reste dans les cadres de l'État, même si la notion de sécurité humaine propose que celui-ci ne soit plus le principal objet de référence en matière de sécurité, mais bien les personnes ou la communauté[14]. Dans ce contexte, l'objet de référence individuel doit dès lors être perçu comme le suggère Buzan *et al.*, « [...] a question of establishing the *principle* of, for example, human rights rather than of specific individuals appearing one by on as securitized referent objects. »[15]

Dans le cas où notre hypothèse serait confirmée et où la volonté de préserver la personne dans une perspective systémique plutôt que dans son individualité, on peut s'attendre à ce que cela entraîne la confusion auprès de certains membres,

organisations ou groupes provenant de la société civile qui désirent s'impliquer dans un processus de sécurisation ou l'on prétend accorder la priorité à l'individu.

II. Le cas : les ALPC

Depuis la fin de la guerre froide, on assiste à une multiplication des conflits intra-étatiques. L'utilisation des ALPC est d'autant plus favorisée par ce phénomène étant donné la nature même de ces armes qui sont facilement transportables et non-repérables par satellite(16). Nombreux sont les personnes ou groupes qui utilisent ces armes (les militaires, les forces paramilitaires, les acteurs non-étatiques et les civils impliqués dans des conflits non-résolus.) De ce fait, dans une situation conflictuelle impliquant des ALPC, les coûts humains sont d'autant plus dommageables en termes de létalité que ces armes sont de plus en plus raffinées au niveau technologique et que, contrairement à l'usage d'armes conventionnelles, il n'existe pas de norme globale entourant leur utilisation(17). De là, émerge tout le problème entourant la prolifération mondiale de ce type d'armes. Au Canada, suite au succès rencontré par la campagne internationale contre l'utilisation des MAP, le problème de la prolifération des ALPC a été envisagé dans une perspective de la sécurité humaine(18).

Dans le cas des APLC comme dans celui des MAP, les regroupements civils ont été invités à participer au processus de sécurisation et ce, en accord avec la volonté de démocratiser la politique étrangère canadienne(19). Mais ce cas nous est apparu d'autant plus intéressant dans la mesure où la sécurité des États et des individus semble y être simultanément menacée et que la tension entre les deux y est palpable dans une perspective de sécurité humaine(20). Toutefois sa particularité tient de la nature même du problème qui, lorsqu'il est envisagé dans une perspective de sécurité humaine par certains acteurs sociétaux, remet en question l'un des attributs fondamentaux de l'État: le monopole légitime de la violence physique. En effet, il s'agit d'un cas limite qui nous permet de distinguer clairement le glissement de l'État à l'individu comme objet de référence et par conséquent, la possibilité d'élargissement de l'agenda en matière de sécurité au Canada. En fait, si l'on veut, il pose un ultimatum à l'État canadien qui se voit obligé de choisir entre la nécessité de préserver l'État ou celle de la personne dans son individualité. Une étude systématique de ce cas nous permettra de mettre au jour ce choix et par conséquent, d'évaluer la participation des acteurs sociétaux à la définition et l'élaboration d'enjeux de sécurité dans une perspective de sécurité humaine.

III. Démarche

L'approche sectorielle de Buzan et *al.* nous permettra de comprendre comment se manifeste la demande d'élargissement (qui s'exprime à travers le glissement d'un objet de référence étatique à un objet de référence individuel) et d'isoler, par la suite, le comportement du Canada devant cette demande d'élargissement(21). Les agents qui interviennent dans le « processus de sécurisation » n'ont pas nécessairement la même définition de ce qui constitue une menace et de ce qui est menacé dans un domaine particulier de sécurisation et il est par conséquent possible d'envisager que plusieurs

secteurs de sécurité se côtoient[22].

Nous allons d'abord identifier les objets auxquels les acteurs sociétaux et étatiques font référence. Il s'agit en fait de démontrer dans un premier temps en quoi la position de certains acteurs sociétaux traduit une demande d'élargissement de l'agenda en matière de sécurité en glissant d'un objet de référence étatique à individuel. C'est en s'intéressant à la définition des types d'armes et d'utilisations qui constitue une menace selon les différents intervenants que nous souhaitons identifier l'objet auquel ceux-ci réfèrent en matière de contrôle des armes. En effet, cette définition ne semble pas faire l'objet d'un commun accord et par conséquent, les armes ciblées comme étant le problème dans le cas des ALPC semblent varier selon l'intérêt des acteurs impliqués dans le processus de sécurisation. Ainsi, nous pourrons, dans un deuxième temps, évaluer la réaction du Canada face à ces demandes et dans une plus large mesure la place qu'il accorde aux acteurs sociétaux dans la définition de problèmes envisagés sous l'angle de la sécurité humaine.

IV. Les différentes défintions des ALPC.

Dans cette section, nous allons identifier les objets de référence auxquels les acteurs nous renvoient dans le cas des ALPC. C'est à travers la définition des types d'armes et d'utilisations d'armes que nous suggérons de le faire. Mais d'abord, nous allons démontrer qu'il n'existe pas de définition objective de ce que sont les ALPC et qu'elle s'édifie plutôt à partir de critères qui ne sont pas étrangers aux intérêts et à l'angle d'approche de ceux qui sont préoccupés par ce problème. Ensuite, nous allons faire ressortir ces distinctions dans une perspective ou les acteurs sociétaux et étatiques proposent des définitions en relation avec la représentation qu'ils ont du danger dans le cas des ALPC.

a) Les types d'armes: les armes « civiles » et les armes « militaires »

Il semble y avoir un certain consensus quant à la distinction entre les types d'armes, « civiles » ou « militaires » dans la littérature. Par contre, ce consensus s'établit généralement autour de critères mécaniques et technologiques associés à l'arme. Les raisons qui motivent l'utilisation d'armes « civiles » limitent généralement cette catégorie à des calibres de moindre niveau que les armes utilisées, par exemple, pour la défense d'un État. Ainsi, les armes portatives de plus haut calibre comme les armes semi-automatiques ou automatiques sont habituellement qualifiées de militaire.

Cette distinction en fonction de la performance de l'arme varie souvent selon le type d'utilisation qui en est faite. Mentionnons ici qu'il serait difficile d'envisager qu'un chasseur de petit gibier utilise une arme de calibre M-16 ou AK-47 pour venir à bout de sa proie. Par contre, dans certains contextes, comme dans le cas du tir sportif, l'utilisation d'une arme semi-automatique ou automatique peut être autorisée sous certaines conditions. À partir de ce moment, la différenciation entre les armes « civiles » et les armes « militaires » ne peut plus se faire essentiellement à partir de considérations technologiques. L'arme est considérée comme une arme civile dans la mesure où l'utilisation qui en est faite n'a pas de finalité guerrière ou, dans ce cas, « militaire. »[23] L'État est celui qui détermine, à travers la sanction d'une Loi

nationale, quelles sont les armes permises d'utilisation par le citoyen (armes « civiles ») et celles qui relèvent de son monopole (armes « militaires ») sur son propre territoire[24].

Le Tableau 1 résume la distinction qui peut être faite entre les armes « civiles » et « militaires » en relation avec le droit canadien. En fait, il serait possible de parler respectivement d'armes non-prohibées et d'armes prohibées[25]. Le premier regroupement inclut habituellement les armes utilisées à des fins sportives et le second, les armes qui sont du ressort de l'État.

Tableau 1: Classification par types d'armes « civiles » ou « militaires »[26]

Armes « civiles »	Fusils de chasse, carabines de chasse, armes de tir, revolver, pistolet. Notons que ces armes sont soumises à des conditions d'utilisation particulières. Ainsi, cette catégorie peut inclure certaines armes semi-automatiques et automatiques.
Armes « militaires »	Mitrailleuses, mitraillettes, lance-grenades - roquettes - missiles, canons antiaériens.

Toutefois, ces distinctions entre ce qui constitue une arme « civile » et une arme « militaire » doivent être relativisées puisqu'elles varient également selon la culture et le contexte historique de l'État dont il est question. La dimension éthique d'une loi nationale doit être considérée à travers ces éléments et le rapport particulier qu'entretient le citoyen avec l'arme qui en découle. C'est d'ailleurs cette conception de la relation entre l'individu et l'arme qui transparaît à travers les tendances souples ou rigides d'un État en matière de législation sur les armes à feu[27].

Chaque pays affiche une position spécifique quant à l'ampleur du contrôle[28]. Il devient dès lors difficile d'édifier des paramètres communs de différenciation entre les types d'armes « civiles » et « militaires » alors que ces distinctions varient généralement d'un État à l'autre. La volonté d'exercer un contrôle sur le commerce international des armes doit tenir compte de ces disparités alors qu'il est clair que l'établissement de catégories va bien au-delà de critères technologiques et mécaniques auxquels se rattache souvent une fonction spécifique à l'arme.

Ainsi, les armes qui constituent un problème dans le cas des ALPC peuvent également être classifiées entre « bonnes » et « mauvaises » armes. Ces distinctions nous renvoient par conséquent à des définitions particulières des types d'utilisations (et d'armes) qui constituent un problème de sécurité selon les intervenants et nous renvoient directement à la manière dont ceux-ci se représentent le danger dans le cas des ALPC.

b) Les « bonnes » et les « mauvaises » utilisations selon les acteurs étatiques et sociétaux et leur représentation de la menace.

Voyons maintenant quelles types d'armes représentent un danger chez les acteurs

sociétaux et étatiques dans le cas des ALPC selon la « bonne » et la « mauvaise » utilisation qui en est faite. À cette fin, nous allons nous concentrer sur ce qui représente un danger dans le cas des ALPC au sein du RAIAL (Réseau d'actions internationales sur les armes légères)[29] et du Groupe d'expert de l'ONU[30].

Le groupe d'experts gouvernementaux de l'ONU, dans son rapport sur les armes légères et de petit calibre, propose une distinction entre armes de petit calibre, armes légères, munitions et explosifs[31]. L'ensemble des États reconnaît généralement ces distinctions, mais la définition de ce qui constitue un problème de sécurité dans le cas des ALPC ne se limite pas à un type d'arme plutôt qu'à un autre. En effet, qu'elles soient militaires ou non, toutes les armes représentent un problème en autant qu'elles menacent la stabilité d'une région ou d'un État en en situation de conflit ou post-conflictuelle. Ainsi, « Le Groupe d'experts -- a jugé qu'il y avait lieu de considérer ici ces armes [les fusils de chasse et de fabrication artisanale], car il arrive qu'elles soient si répandues et si souvent utilisées dans un pays que la sûreté et la stabilité de l'État s'en trouvent compromises. »[32] L'importance est accordée au type d'utilisation (« bonne » ou « mauvaise ») qui est faite de l'arme, plutôt qu'à ses qualités mécaniques.

Ainsi, un fusil de chasse peut être utilisé à des fins militaires et ainsi représenter un danger pour la stabilité d'un État ou d'une région. Toutefois, dans d'autres circonstances, il n'est pas considéré comme une menace par le Groupe d'experts gouvernementaux de l'ONU. Si le Groupe avait été plus ou moins clair dans son rapport déposé en août 1997 à ce propos, il l'a été davantage dans un communiqué publié en juin 1998 où il souligne que: « The group has decided to focus its attention on weapons manufactured to *military specifications*, and will not address issues pertaining to domestic gun control. »[33] Pour les acteurs étatiques donc, l'accent est mis sur la mauvaise utilisation d'armes employées à des fins militaires dans contexte précis ou celle-ci risque d'avoir des conséquences néfastes sur la stabilité d'un État ou d'une région.

Les acteurs sociétaux reconnaissent également cette dimension du problème. Comme Lansu le suggère : « [i]t is true, as sceptics would argue, that the mere presence of weapons in a society does not, in and of itself, generate conflict, but it is equally true that their presence in large numbers and outside of formal security structures can increase the likelihood of violent solutions or disputes, may increase the scale and mortality of conflict and given their presence or improper management during a peace process - may prolong conflict.[34]

Toutefois, ils mettent également l'accent sur les risques de mortalité associés à l'utilisation abusive des ALPC dans de telles circonstances ainsi que sur l'aggravation des blessures imputées aux personnes qui résulte de ces contextes particuliers d'expression de la violence.[35]

De façon générale, c'est à partir de cette dimension de la mauvaise utilisation des armes que les acteurs sociétaux se regroupent. Peu importe l'arme et la vocation de

l'organisation ou du groupe dont il est question (vocation humanitaire, développementaliste, etc.), la mauvaise utilisation de **toutes les armes** est ce qui constitue une menace dans la perspective du RAIAL. On considère l'impact qu'elles risquent d'avoir sur l'individu (nonobstant l'endroit où il se retrouve dans le monde et le type d'arme) et par conséquent, sur la relation qu'entretient l'individu avec l'arme en tant que véhicule potentiel de la violence[36]. Ainsi, que la mauvaise utilisation de l'arme soit militaire ou non (comme le suggère l'ONU) cela n'a pas d'importance[37].

Bien entendu, lorsque les préoccupations sont davantage centrées sur l'individu (qu'elles sont humanitaires), la menace que représente l'arme est directement associée aux conséquences mortelles de sa mauvaise utilisation sur l'individu et non pas en terme d'insécurité étatique, régionale, nationale ou internationale. À ce titre, la perspective de santé publique est intéressante et est ainsi établie par Cukier : « While the environment and the conditions that fuel violence are also of concern, the public health perspective leads us to consider not only the host (victim/agressor), but the agent and vectors of violence - the small/fire arm itself.[38]

Cette différenciation laisse entrevoir que les acteurs sociétaux et étatiques ne s'entendent pas nécessairement toujours sur l'établissement des paramètres pour définir le problème des ALPC par rapport aux types d'armes qui représentent un danger (Tableau 2.)

Tableau 2: « Bonnes » et « mauvaises » utilisations d'armes selon les acteurs étatiques et sociétaux.

« Bonnes » utilisations	Les acteurs étatiques: les armes qui ne constituent pas une menace à la stabilité régionale ou d'un État, qu'elles soient « militaires » (les armes utilisées par l'État pour assurer son monopole et son intégrité en tant qu'entité souveraine) ou « civiles » (les armes permises d'utilisation par les citoyens et généralement encadrées par une Loi nationale.)
	Les acteurs sociétaux: Les armes « militaires » et « civiles» représentent un danger potentiel pour l'individu quel que soit leur type.
« Mauvaises » utilisations	Les acteurs étatiques: toutes les armes qui constituent une menace à la stabilité régionale ou d'un État, qu'elles soient « militaires » ou « civiles. »
	Les acteurs sociétaux: toutes les armes accessibles dont la mauvaise utilisation représente un danger potentiel pour l'individu.

En mettant l'accent sur les différents types d'armes et d'utilisations d'armes qui constituent pour eux une menace dans le cas des ALPC, les acteurs étatiques et sociétaux nous renvoient à des formes différentes de représentation de la menace dans le cas des ALPC et qui peuvent être associées à des objets de référence particuliers.

c) L'objet de référence chez les acteurs étatiques et sociétaux.

Ces distinctions entre ce qui est considérée comme une menace par les acteurs sociétaux et étatiques, semblent varier selon ce qu'ils cherchent à sécuriser et par conséquent à l'objet auquel ils réfèrent dans le cas des ALPC. Après avoir identifier les types d'armes et d'utilisations qui représentent un danger pour ces acteurs, nous croyons être en mesure de cibler l'objet auquel ceux-ci font référence et par conséquent, autour duquel leurs actions, comme acteurs sécurisants, s'articulent.

Au sein de l'ONU, la prolifération de tous les types d'armes, « civiles » ou « militaires», représentent un danger lorsque utilisées par des agents non-étatiques et qu'elles mettent en cause la sécurité de l'État, de la région ou du système international. Chez les acteurs étatiques, les ALPC sont une menace pour l'État ou pour une caractéristique particulière de la logique étatique qui est le monopole légitime de la violence physique. En fait, c'est que lorsque ce monopole est remis en question que la prolifération des ALPC constitue un problème.

Au sein du RAIAL, toutes les armes représentent un potentiel de violence lorsque l'instrument comme tel fait l'objet d'une mauvaise utilisation. Ainsi, peu importe l'endroit, le contexte ou le genre d'arme utilisé, on met l'accent sur l'instrument. Dans ce contexte, tous les types d'armes à feu[(39)] représentent un danger pour l'individu[(40)] qu'il s'agisse d'une arme de poing ou d'une AK-47. Nonobstant les multiples facettes et dimensions abordées du problème, la préservation de l'individu constitue les fondements de toutes actions entreprises. Ainsi, le RAIAL « is created to facilitate international NGO action that is *fundamentally aimed at enhancing the security of persons* by preventing the proliferation and misuse of small arms. »[(41)]

Le Tableau 3 met en évidence les types de mauvaises utilisations d´armes qui représentent un danger pour l'État ou pour l'individu.

Tableau 3: Les mauvaises utilisations d´armes selon l'objet de référence.

Individu	une mauvaise utilisation de ou des armes à feu constitue un danger pour l'individu, nonobstant le contexte ou le lieu.
État	une mauvaise utilisation de ou des ALPC constitue un danger pour la stabilité étatique ou de la région, qu'elle soit militaire ou civile et par conséquent, pour le monopole légitime de la violence physique de l'État.

V. Le Canada et l'objet de référence dans le cas des ALPC

Nous avons pu établir une distinction entre les objets auxquels font référence les acteurs sociétaux et étatiques à travers la distinction établie entre les types d'armes et d'utilisations qui constitue un problème de sécurité dans le cas des ALPC. Nous devons de mentionner que la frontière entre ces deux groupes est parfois poreuse et que différentes positions se manifestent à l'intérieur même de ces groupes et varient selon l'intérêt des acteurs[(42)]. Mais l'objectif de cette première étape était de nous

donner un aperçu général de la conceptualisation du problème et de la représentation de la menace chez les acteurs sociétaux et étatiques. Nous avons pu identifier qu'un glissement de l'objet de référence étatique à l'objet de référence individuel se distinguait manifestement à travers la définition du problème des ALPC. Nous en sommes maintenant rendus à la seconde étape de notre démarche qui consiste à voir quelle sera la réaction du gouvernement canadien face à cette demande d'élargissement de l'agenda et ce, dans la mesure où le pays prétend accorder la priorité à la sécurité des personnes dans une perspective de sécurité humaine.

Pour le gouvernement canadien, l'accès aux armes doit être restreint mais ne peut être complètement banni en raison de l'existence de certains contextes d'utilisations légitimes ou de « bonnes » utilisations des armes. C'est-à-dire les cas d'utilisations 1) sportives ou 2) par l'État comme outil de préservation du monopole physique de la violence.

Dans le premier cas, il faut souligner que le Ministre n'établit pas de distinctions entre les armes « sportives » et « civiles. » En faisant référence à ces armes, il nous renvoie aux armes qui sont permises d'utilisations par le citoyen ordinaire à l'intérieur d'un pays à des fins sportives (chasse, tir, etc.) Au Canada, l'équivalence entre armes « sportives » et « civiles » est facilement envisageable dans la mesure où il est interdit (sauf dans certains cas), pour le simple citoyen, de posséder une arme en vue d'assurer sa propre sécurité. Ainsi, les armes « sportives » entre les mains des citoyens qui en font une « bonne » utilisation sont loin de constituer un danger dans le cas des ALPC puisqu'une Loi nationale en régit l'utilisation au Canada. Le Ministre insiste d'ailleurs sur le fait que le contrôle international des ALPC n'entend pas passer outre ces législations nationales. À Orillia, le Ministre Axworthy a ainsi souligné cette orientation :

> De fait, on utilise des armes à feu de type non militaire dans des crimes violents commis dans les quatre coins du monde, y compris dans les pays sortant d'un conflit. Dans le même temps, ces armes ont de nombreuses applications légitimes à des fins civiles. La meilleure façon de juguler les applications illicites des armes à feu de type non militaire tout en autorisant celles qui sont légitimes consiste à se doter d'une législation nationale régissant la détention d'armes par les particuliers et les mesures d'application de la loi. Une convention comme celle dont nous avons débattu à Oslo porterait explicitement sur les armes de petit calibre de type militaire comme source majeure de conflits, d'instabilité et de souffrances humaines dans le monde.(43)

En d'autres termes, la volonté de renforcer la Loi C-68 n'es pas ce qui mobilise l'essentiel de l'agenda canadien en matière de contrôle international des ALPC.

Cependant, ces variations nationales quant aux types d'armes et d'utilisations permises à l'intérieur des États, remettent en question l'adéquation ici posée entre armes « sportives » et « civiles » qui est équivalente au Canada. Les armes « sportives » ne sont pas les seules armes utilisées à l'intérieur des frontières des États. En effet, certaines armes « militaires», utilisées par les autorités policières ou militaires pour

préserver l'ordre civil, le sont également. Cette position reflète clairement un choix qui se fait à partir d'une distinction entre **l'utilisation publique et l'utilisation personnelle** des armes en matière de sécurisation. En effet, bien que l'utilisation d'armes « sportives » soit permise et acceptée pour l'individu à l'intérieur de l'État canadien, la barrière tombe souvent lorsqu'il s'agit de préserver la sécurité des personnes comme un motif d'utilisation des armes(44).

Dans un tel contexte, la sécurité des personnes n'est pas du ressort des individus. En fait, si c'était le cas, l'État perdrait de sa responsabilité face à ses citoyens: « [p]utting responsability for individual and family safety in private hands narrows the arena of public responsability, and in the process reduces confidence in (and funding for) public security institutions. »(45) En appuyant une position où il privilégie la voie collective de la sécurisation plutôt que la voie personnelle, il rend moralement acceptable, l'utilisation qu'il fait des armes « militaires » en garantissant aux individus la paix et la sécurité sur son territoire. D'ailleurs si le Ministre souligne d'une part que:

> [E]ntre les mains de terroristes et de criminels ainsi que de milices irrégulières et de bandes armées typiques de conflits internes, ce sont [les petites armes de type militaire] de véritables armes de terreur massive dont les civils sont les principales victimes. La prolifération et les transferts non contrôlés des petites armes ont de sérieuses conséquences pour la paix et la sécurité internationale, le développement et la sécurité interne. Elles causent beaucoup de souffrance humaine.

Il ajoute d'autre part que : « [c]es armes sont très répandues et légitimes, et sont vitales pour la défense et la sécurité des États » (46).

En appuyant cette position (qu'il est du ressort de l'État de gérer la sécurité des personnes), l'État suggère que toutes les armes « militaires » ne représentent pas nécessairement un danger et que certaines d'entre elles font l'objet d'une « bonne » utilisation lorsqu'elles sont du ressort de l'État. Si la « bonne » utilisation de ces armes « militaires » est associée à l'un des attributs fondamentaux de l'État qui est le monopole légitime de la violence physique, une « mauvaise » utilisation doit aller à l'opposé de ce principe. C'est-à-dire que les armes « militaires » doivent, dans un tel contexte, représenter un danger pour le monopole légitime de la violence physique de l'État. De plus, le Ministre désapprouve toutes « mauvaises » utilisations d'armes contre l'État, qu'il soit question d'un régime démocratique ou répressif(47). Pour lui, les ALPC doivent faire l'exclusivité de l'État, sinon elle représente un danger pour la paix et la sécurité : « [s]mall arms and light weapons designed and manufactured for defence or internal security purposes should be restricted to military and police organisations only, and only in such quantities that can be justified for the legitimate defense or security needs of those countries. »(48)

Ainsi, le danger est manifeste à partir du moment où l'État parvient mal à préserver ce monopole et que des groupes armés (milices ou terroristes) remettent en question son autorité à l'intérieur même de ses frontières. Sinon, la stabilité de l'État, de la région ou du système international est considérée comme étant menacée. Dans ce cas-ci, il

semble que se soit la sécurité de l'État et de l'un de ses attributs fondamentaux qui prévaut: le monopole légitime de la violence physique de l'État.

Finalement, cette distinction entre les types d'armes et d'utilisations qui constituent un problème dans le cas des ALPC nous renvoie à une conception particulière de ce qui fait l'objet d'une menace existentielle pour le gouvernement canadien dans le cas des ALPC. Pour le gouvernement canadien, une mauvaise utilisation des armes « militaires » dans un contexte où elle remet en question l'exercice du monopole légitime de la violence physique de l'État semble constituer l'essentiel du problème de la prolifération des ALPC. La nécessité pour l'État de se garantir une sphère de légitimité d'utilisation d'armes va de pair avec celle de réaffirmer l'un de ses attributs fondamentaux qui est le monopole légitime de la violence physique. Ce choix démontre notamment que le gouvernement canadien accorde la priorité à la préservation de l'État en tant que principal gestionnaire des armes plutôt qu'aux individus. En effet, s'il avait accordé la priorité à la sécurité de la personne, toutes utilisations abusives d'armes à feu auraient été considérées comme dangereuses comme le point de vue dénominateur véhiculé par les acteurs sociétaux le suggère.

VI. Conclusion

Nous avons pu constater que les acteurs étatiques et sociétaux, dans le cas des ALPC, s'accordaient généralement pour référer respectivement à l'État et à l'individu à travers leur représentation des types d'armes et d'utilisations qu'ils considèrent comme une menace dans le cas des ALPC. Toutefois, cette référence à l'individu comme objet par les acteurs sociétaux pose un défi à l'État dans le sens où il est traditionnellement vu et perçu comme l'objet de référence en matière de sécurité. Nous souhaitions évaluer la réaction du gouvernement canadien devant l'éventualité d'un déplacement d'un objet de référence étatique à un objet de référence individuel.

Le problème de la prolifération des ALPC s'est présenté comme étant un cas intéressant dans la mesure où le Canada s'est vu obligé de choisir entre la nécessité de préserver l'individu et celle de préserver l'État : c'est-à-dire entre la volonté de répondre aux demandes d'élargissement provenant de la société civile ou de rester dans les cadres d'une conception traditionnelle de la sécurité s'articulant autour de l'État. En effet, puisque la définition du problème des ALPC impliquait, à la lumière d'une conception humaine de la sécurité, une remise en question du monopole légitime de la violence physique de l'État, nous souhaitions mettre au jour le comportement du gouvernement canadien lorsqu'il se voit obligé d'effectuer un choix entre l'individu et l'État.

Nous avons pu constater que pour le gouvernement canadien, le problème de la prolifération des ALPC en est un lorsque les armes sont utilisées à des fins militaires ou plus précisément dans un contexte où elles remettent en question le monopole légitime de la violence physique de l'État. Mettre l'accent sur l'individu implique que toutes armes représentent un danger potentiel, peu importe le contexte d'utilisation. Toutefois, en mettant l'accent sur l'instrument, l'utilisation légitime (ou la « bonne » utilisation) que fait l'État des armes est remise en question puisque ces armes peuvent également avoir un impact néfaste sur les individus. Nous avons pu constater que le

gouvernement, à travers sa définition du problème de la prolifération des ALPC, accorde la priorité à l'objet de référence étatique plutôt qu'individuel dans le cas des ALPC.

Ce comportement reflète en fait façon, pour l'État, de réaffirmer sa logique ou la logique d'un système international westphalien qui lui permet une existence légitime. En effet, lorsqu'il voit son monopole légitime de la violence remis en question et que son intégrité idéologique est par le fait même menacé, l'État cherche à réaffirmer sa logique dans un ordre politique westphalien où les États demeurent les principales entités politiques dans la société internationale contemporaine. Dès lors cette volonté de préserver l'individu doit être entendu comme un principe qui participe à la réaffirmation de ce même ordre international (principe de droit humanitaire) au même titre que le renforcement des institutions politiques qui semble occuper une place privilégiée dans la prévention de la sécurité des individus en matière de sécurité humaine(49).

Enfin, dans la perspective plus générale du séminaire qui est concerné par les relations entre la société civile et l'État dans une perspective de sécurité humaine, il faut comprendre que le choix du Canada s'effectue dans un contexte où il prétend accorder la priorité aux individus en matière de sécurité. Ces observations tracent non seulement les limites de l'élargissement de l'agenda en matière de sécurité, mais aussi et simultanément, de l'apport des acteurs sociétaux au processus de sécurisation en matière de sécurité humaine. La société civile voit son rôle, au niveau de l'élaboration des politiques et de la définition des problèmes de sécurité, subordonnée à la nécessité pour un l'État canadien de réaffirmer sa logique politico-étatique.

Footnotes

1. Axworthy, Lloyd, 1998, "Le Canada et la sécurité humaine : Un leadership nécessaire'Ottawa, Ministère des Affaires étrangéres et du Commerce International, http://www.dfait-maeci.gc.ca/francais/foreignp.sechumf.htm.

2. Hay, John, " International Summit and Civil Society ", *Canadian Foreign Policy*, vol. 6, no.1, automne 1998, pp. 97-103.

3. « La sécurité humaine, c'est notamment être à l'abri des privations économiques, jouir d'une qualité de vie acceptable et se voir garantir l'exercice des droits humains fondamentaux. Ce nouveau concept tient compte de la complexité de l'environnement humain, tout en admettant la corrélation et la complémentarité des forces qui agissent sur la sécurité de la personne humaine. Il suppose, à tout le moins, que les besoins essentiels soient satisfaits, mais il reconnaît aussi que le développement économique soutenu, le respect des droits de la personne et des libertés fondamentales, la primauté du droit, le bon gouvernement, le développement durable et la justice sociale sont aussi importants pour la paix mondiale que le contrôle des armements et le désarmement. Il prend en compte les liens qui existent entre la dégradation de l'environnement, la croissance démographique, les conflits ethniques et les migrations. Enfin, il pose que la stabilité durable ne saurait être réalisée que si la sécurité humaine est garantie. » Axworthy, Lloyd, 1998, *op.cit.* Le texte est également disponible sur le site web officiel du ministère à l'adresse suivante: http://www.dfait-

maeci.gc.ca/francais/foreignp/sechumf.htm.

4. Pour les défenseurs de la conception traditionnelle de la sécurité, dont entre autres Mearsheimer, les études sur la sécurité doivent se limiter à l'étude de ces cas particuliers où sont impliqués l'État et le militaire. Mearsheimer, John « The False Promise of International Institutions, » International Security, vol. 19, 1994/1995, pp. 5-49. Une conception élargie de la notion de sécurité remet en question la validité de cette association « acquise » ou « donnée » de la sécurité. Elle contribue ainsi à ouvrir le champ à d'autres avenues telles que la sécurité environnementale, économique ou sociétale. À partir de ce moment, les types de menaces se multiplient, elles ne sont pas que militaires et peuvent être globales. L'élargissement du concept de sécurité va plus loin dans une perspective de sécurité humaine en considérant que l'État n'est pas le seul objet de référence en matière de sécurité. Il y a donc une conception traditionnelle de la sécurité qui affronte ici une ou plusieurs conceptions élargies de la sécurité.

5. À cause de l'importance que le Ministre des Affaires étrangères accorde à l'individu dans cette conception de la sécurité, il s'est attiré de virulentes critiques Entre autres: Hampson, Fen Osler et Dean F. Oliver, « Pulpit Diplomacy: A Critical Assessment of the Axworthy Doctrine », International Journal, vol. 53, no. 3, 1998, pp. 379-406; Nossal, Richard Kim, « Seeing Things? The Adornment of « Security » in Australia and Canada », Australian Journal of International Affairs, vol. 49, no. 1, 1995, 33-47 et Nossal, Richard Kim, « Pinchpenny Diplomacy : The Decline of « Good International Citizenship » in Canadian Foreign Policy », International Journal, vol. 54, no.1, hiver 1998-99, pp. 88-105.

6. Certains auteurs ont déjà noté cette tension entre l'individu et l'État avec l'adoption d'une telle conception de la sécurité. Bain, William W., « Against Crusading: The Ethic of Human Security and Canadian Foreign Policy, » Canadian Foreign Policy, vol. 6, no. 3, 1999, pp.85-98; Cooper, Andrew, « Between Fragmentation and Integration : The Evolving Security Discourse in Australia and Canada, » Australian Journal of International Affairs, vol. 49, no. 1, 1995, pp. 49-67; Daudelin, Jean et Osler Hampson, Human Security and Development Policy, Paper presented at the Third Annual Peacebuilding Consultations, DFAIT Conference Centre, Ottawa, March 2-3, 1999 et Gervais, Myriam et Stéphane Roussel, « De la sécurité de l'État à celle de l'individu : l'évolution du concept de sécurité au Canada (1990-1996), Études Internationales, vol. 29, no. 1, 1998, pp. 25-51.

7. Cooper, Andrew, 1995, op.cit.

8. Notamment la troisième partie du livre To Walk Without Fear: The Global Movement to Ban Landmines réunit ces auteurs dans Cameron, Maxwell A., Lawson, Robert J. Et Brian W. Tomlin, To Walk Without Fear: The Global Movement to Ban Landmines, Toronto, Oxford University Press, 1998, pp. 340-363.

9. Price, Richard, « Compliance with International Norms and the Mines Taboo, » dans Cameron, Maxwell A., Lawson, Robert J. Et Brian W. Tomlin, 1998, op. cit. et Price, Richard, « Reversing the Gun Sights: Transnational Civil Society Targets Land Mines, » International Organization, 52: 3, 1998, pp. 613-644.

10. Larrinaga, Miguel de, et Claire Turenne Sjolander, « (Re)presenting Landmines From Protect to Enemy: The Discursive Framing of a New Multilateralism, » dans Cameron, Maxwell A., Lawson, Robert J. et Brian W. Tomlin, 1998, op.cit, p.382.

11. The Center for Defense Information, « Governments and NGOs Discuss Small Arms in Belgium, » The Weelky Defense Monitor, vol. 2, no. 42, octobre 1998.

12. Axworthy, Lloyd, « Towards a New Multilateralism, » dans Cameron, Maxwell A., Lawson, Robert J. et Brian W. Tomlin, 1998, op. cit., p. 453.

13. Voici la définition généralement acceptée par les États et qui a été adoptée par le Groupe d'experts gouvernementaux de l'ONU sur les armes de petit calibre : « Armes de petit calibre - revolvers et pistolets à chargement automatique; fusils et carabines; mitraillettes; fusils d'assaut; mitrailleuses légères. Armes légères - mitrailleuses lourdes; lance-grenades portatifs, amovibles ou montés; canons antiaériens portatifs; canons antichars portatifs, fusils sans recul; lance-missiles et lance-roquettes antichars portatifs; lance-missile antiaériens portatifs; mortier de calibre inférieur à 100 mm. Munition et explosifs- cartouches, munitions pour armes de petit calibre; projectiles et missiles pour armes légères; conteneurs mobiles avec missiles ou projectiles pour système antiaérien ou antichars à simple action; grenade à main antipersonnel et antichar; mines terrestres; explosifs » dans la version française du rapport de l'ONU: United Nations, Excerpts from the Report of the UN Panel of Governmental Experts on Small Arms, General Assembly, 52e session, 27 août 1997, p. 9.

14. « Aujourd'hui, notre unité première d'analyse de la sécurité n'est plus l'État mais bien la communauté, et même l'individu. » Notes pour une allocution de l'honorable Lloyd Axworthy, Ministre des Affaires étrangères, à une réunion du Mid-America Committee « Action mondiale , communauté continentale: la sécurité humaine dans la politique étrangère du Canada », Chicago, Illinois, le 9 septembre 1998.

15. Buzan, Barry, Waever, Ole et Jaap De Wilde, Security: A New Framework For Analysis, Boulder, Lynne Rienner Publishers, 1998, p. 39 et 141.

16. D'ailleurs on assiste à une floraison du commerce dans ce secteur Principalement, il y aurait eu une augmentation de 25% du nombre de fabriquant d'armes depuis les années 1980. Ainsi, la UN Institute for Disarmement à Genève en a répertorié 300 dans 52 pays. Renner, Michael, « Arms Control Orphans », The Bulletin of the Atomic Scientists: Small Arms, Big Problem, vol. 55, no. 1, janvier/février 1999, pp. 22-26.

17. En effet, le registre sur les armes conventionnelles est inefficace pour contrer la prolifération de ce type d'armes. Dyer, Susannah L. et Natalie J. Goldring, « Controlling Global Light Weapons Transfers: Working Toward Policy Options, » Prepared for the Annual Meeting of the International Studies Association, BASIC, San Diego, CA 16-20, avril 1996.

18. Le Canada s'intéressait au contrôle international des armes, dans une perspective criminelle, et ce, avant même que la prolifération des ALPC soit envisagé sous l'angle de la sécurité des personnes. Aussi, pour en savoir plus sur la campagne contre l'utilisation des MAP : mines.gc.ca.

19. Cameron, Maxwell A., « Democratization of Foreign Policy: The Ottawa Process as a Model, » dans Cameron, Maxwell A., Lawson, Robert J. Et Brian W. Tomlin, 1998, op. cit.

20. Si l'on considère que les armes dont il est ici question sont "any barreled weapon which expels a bullet or prjectile by action of an explosive » et que « this would include light weapons, small arms and sporting arms," le problème de la prolifération des ALPC se différencie de celui des MAP qui se manifeste à l'extérieur des frontières canadiennes et dans des contextes particuliers de conflit ou en situation post-conflictuelle. MAECI, The Role of Ammunition Controls in Adressing Excessive and Destabilizing Accumulations of Small Arms, Ottawa, MAECI, avril 1998, p.1.

21. Pour ces auteurs, la sécurité renvoie à la nécessité de survie d'un objet dont l'existence est menacée. La menace n'a pas de caractère objectif et elle est socialement construite. Buzan et al., op. cit., p.25.

22. En effet, certaines caractéristiques d'un secteur peuvent se retrouver dans un autre secteur ou être « importées » par des agents étant donné qu'il s'agit là d'une construction sociale. Ils peuvent se chevaucher en quelque sorte. D'ailleurs comme le soulignent Buzan et al., le découpage par secteur ne sert qu'à faciliter l'analyse.

23. Les armes utilisées pour des fonctions policières entrent ici dans la catégorie « militaire. » Mais nous verrons aussi comment celles-ci peuvent être considérées comme des armes « civiles. »

24. Au niveau interne, la législation et la réglementation concernent la détention, la possession, l'enregistrement d'armes à feu ainsi que les conditions d'importation et d'exportation. Ces deux dernières dimensions attirent plus particulièrement notre attention dans la mesure où la volonté de contrôler les flux commerciaux d'armes et de renforcer la surveillance sur les transferts constitue l'essentiel des traités et conventions établis au sein de la communauté internationale.

25. La troisième partie du Code criminel canadien concerne les armes à feu prohibées et à autorisation restreinte. Notons également que les règles de possession varient selon l'usage et l'utilisateur. Par exemple, un agent de la paix ne sera pas soumis aux même règles de possession, de transport ou encore d'entreposage que le citoyen. Pour en savoir davantage, il est possible de consulter le Manuel canadien sur les armes à feu à l'adresse suivante: http://www.cfc.ccaf.gc.ca/cfm.

26. Pour en savoir davantage sur les armes à feu au Canada : http://www.cfc.ccaf.gc.ca.

27. Par exemple, dans certains États des États-Unis d'Amérique, une certaine latitude quant à la possibilité de posséder et de transporter une arme pour des raisons de sécurité personnelle est permise. Le rapport du citoyen avec l'arme est endossé par certains défenseurs du 2e Amendement à la Constitution américaine qui stipule que: « [a] well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed. » Amendment II of the Constitution of the United States of America. Par exemple, des groupes tels que la NRA (National Rifle Association) ou encore la SAF (Second Amendement Foundation) sont des puissants lobbies en faveur de la détention d'armes par les citoyens aux États-Unis.

28. L'expérience au Canada de la tuerie de l'École Polytechnique en décembre 1989 aura sans doute contribué à alimenter cette volonté d'exercer un contrôle plus serré des armes au pays, qui s'est traduite par l'adoption en 1995 de la Loi C-68 sur les armes à feu.

29. http://www.iansa.org/.

30. Ce groupe est composé de composé de représentants de 16 États membres : l'« Afrique du Sud, Allemagne, Bélarus, Belgique, Canada, Colombie, Égypte, El Salvador, États-Unis d'Amérique, Fédération de Russie, Finlande, Iran (République islamique d'), Japon, Malaise, Mali et Sri Lanka. » United Nations, 1997, op. cit.

31. Consulter la note de bas de page numéro 13 pour la typologie proposée le Groupe d'experts gouvernementaux de l'ONU.

32. Nations Unies, 1997, op. cit.

33. Italiques ajoutés. United Nations, « Group of Govermental Experts on Small Arms Concludes at Headquarters, » Press Release, DC/2609, 4 juin 1998.

34. Lansu, Paul, 1998, op. cit.

35. Dans ce contexte, notons aussi que la fatalité de la blessure dépend souvent du type d'arme utilisé. En d'autres termes « the weapon used is important in determining whether a violent assault will lead to death. » Zimring, Franklin E., « Firearms, Violence and Public Policy, » Scientific American, novembre 1991, p. 48.

36. Cukier, Wendy et Antoine Chapdelaine, Small Arms/Firearms: A Policy Framework for Bridging

Public Health, Crime Prevention, Peace Building and Disarmament, NGO Conference, Orillia, août, 1998.

37. Cukier, Wendy, « International Fire/Small Arms Control, » Canadian Foreign Policy, vol. 6, no. 1, automne 1998, pp. 73-89.

38. Ibid, p.2.

39. « The term « firearm » means any barreled weapon which expels a bullet or projectile by action of an explosive - this would include light weapons, small arms and sporting arms. » MAECI, 1998, op. cit.

40. Coupland, Robin M., « The Effect of Weapons on Health, » Lancet, vol. 347, 17 February 1996, pp. 450-451; Cukier, Wendy et Antoine Chapdelaine, A Proposed Framework for Canada's Small Arms Initiative : Bridging Public Health, Crime Prevention and Peace Building Perspective, March 2, 1998; Cukier, Wendy, Chapdelaine, Antoine et Cindy Collins, 1999, op. cit. et Kellermann, Arthur L., « The Epidemiologic Basis for the Prevention of Firearm Injuries, » Annual Review of Public Health, vol. 12, 1991, pp. 17-40.

41. Italiques ajoutés. IANSA, International NGO Action Network on Small Arms, IANSA, 1999, p.2. http://www.iansa.org.

42. Le découpage par secteur des processus de sécurité permet avant tout de facilité l'analyse.

43. MAECI, Déclaration 98/50, op. cit.

44. Mentionnons que les États-Unis sont plutôt laxistes en ce sens en raison du second amendement à la Constitution qui remet dans les mains des citoyens, la liberté de posséder une arme pour se préserver de l'autorité répressive « potentielle » de l'État.

45. Ploughshares, « The G8 and Small Arms, » Ploughshares Monitor, juin 1998.

46. http://www.dfait-maeci.gc.ca/foreignp/g8_summit/pco-f.htm#2.

47. MAECI, « Notes pour une allocution de l'honorable Lloyd Axworthy, Ministre des Affaires étrangères, à l'occasion des consultations internationales d'ONG sur l'action cadre concernant les armes de petit calibre, » Déclaration 98/50, Orillia, le 19 août 1998.

48. Citation de Lloyd Axworthy reprise dans Reuters, Small Arms Reductions Theme of New Olso Talks, Olso, 13 juillet 1998.

49. En effet, les actions en matière de gestion du problème de la prolifération des ALPC dans une perspective de sécurité humaine sont davantage axées sur la nécessité de préserver l'État, non pas dans sa dimension militaire ou physique, mais au niveau d'un cadre institutionnel précis (bon gouvernement, démocratie, etc.)

Not For Profit: Multinational Corporations and Human Security

by

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The dawn of a new millennium holds a lot of promise for the future of international human rights. The global trends have witnessed the growing prominence of human rights issues on the agendas of nation-states, and the proliferation of non-state actors in promoting the development of human rights norms and providing humanitarian assistance. Traditionally human rights were within the exclusive jurisdiction of states, premised on the principles of state sovereignty and non-interference. The increased visibility of non-governmental organizations has circumscribed the autonomy of states, and as some may argue, is displaying the signs of an emerging global civil society. Within this context multinational corporations (MNCs) have emerged as the single most powerful actor alongside the state in international relations. While MNCs are the "harbinger of jobs, investment and production"[(1)], they also have the potential for directly and indirectly affecting serious human rights violations and exacerbating conflict situations. As part of the increasing networks of the global economy and international political system, and by virtue of their status as non-state actors, multinational corporations can be considered important actors in the global civil society. The power accorded to multinationals carries with it an implied obligation and ethical responsibility to respect human rights and avoid activities that may protract conflicts with severe human rights violations. Within the broader framework of humanitarian efforts, multinational corporations can potentially contribute to the future protection and promotion of human rights, and should incorporate human needs as part of their business interests.

The impact of multinational corporations has focused on their role as agents of growth, and as a vehicle for the internationalization of the world economic system.[(2)] Both governments and civil society organizations have viewed multinational corporations on two dichotomous ends: either providing benefits or harms. Despite the substantial fears surrounding multinational corporations many countries have accepted foreign businesses for the benefits that they bring to host countries with respect to the mobilization and productive use of capital, transfer of technology and managerial skills, employment opportunities, and import substitution and export promotion.

Proponents of multinational corporations argue that foreign direct investments are a mechanism for increasing economic efficiency and stimulating growth. By improving the factors of production, increasing levels of domestic investment, and filling the resource gap in technology and labour, all contributes to a positive effect on welfare and standards of living in developing countries.

The concentration on the economic effects of multinational corporations has largely diverted attention away from the direct or indirect impact of multinational activities on human rights. As public sensitivity on human rights violations have grown, the involvement of multinational corporations as allies of reprehensible regimes have come under close scrutiny and challenge.(3) The debate has focused on whether the involvement of MNCs with governments and countries in conflict have supported human rights violations or served to counter them. Often it is very difficult to attribute a direct causal relationship between multinationals and repression due to the complexities of situations and the interrelationships between economic, political, and social variables.

There are two theoretical schools of thought regarding MNCs, development and human rights. The first view holds that MNCs operating in less developed nations directly promote economic and social rights, and indirectly support civil and political rights. This derives partly from developmental theories, which finds a positive linkage between economic development and human rights. To the extent that multinationals are stimulating economic growth, then they must also be enhancing economic and social rights. The protection of civil and political rights is less direct. The argument follows that economic growth stimulates the formation of new social classes within civil society that gradually breakdown repression and foster conditions favorable for human rights. For example this argument has been put forth with regards to apartheid in South Africa. Through acceleration of the economy, industrialization will empower blacks with the knowledge, confidence, and expectations to pressure the state for social change making it increasingly difficult for the state to maintain the status quo. Multinational corporate activities can increase rates of economic growth by providing investments for governments to improve infrastructure and social services, influencing practices of local firms, assisting in programs of education and community development, and catalyzing progressive labor practices. Multinationals have stressed that by influencing human needs it will subsequently ameliorate human rights conditions.

The second view holds that MNCs directly contribute to violations of human rights or at a minimum have a potential impact on human rights. The most elaborated theoretical support for this position is found in the work of economist Stephen Hymer. (4) The Hymer thesis posits development via MNCs as a force that creates violations of human rights based on the organizational structure leading to a system of unequal distribution of wealth.(5) Hymer identifies three levels of the MNC organization from "on the floor" operators to top managers creating a national division of labor spread globally. This system of international domination can lead to the deterioration of political, civil, economic and social rights.(6) MNCs may use counterinsurgency and oppressive measures in order to control populations, thus directly or indirectly

violating human rights for the purpose of perpetuating the MNC system. Generally the data on increases in foreign direct investment by MNCs have shown an improvement in the welfare, civil and political rights of less developed nations. While this appears to discredit Hymer's thesis, it does not imply that multinational presence is always uniform and beneficial. Anomalous cases will demonstrate multinational activity in situations of internal conflict can exacerbate human rights violations, emphasizing an aspect of multinational involvement often downplayed.

Multinational engagement in countries suffering human rights violations are indirectly and directly perpetuating and supporting repressive regimes, profiting from injustices, and exploiting the instability of the situation. Multinational activities may or may not serve to: provide police and military with tools of repression, politically legitimate existing repressive regimes, comply with restrictive and discriminatory legislation, and expand business enterprises which may contribute to an existing volatile situation. In human rights conflicts there may already exist a division between the wealthy and the poor. The imposition of MNCs serves to exacerbate underlying tensions by supporting a system of inequalities and indirectly providing capital, political legitimacy, and other materials for regimes to pursue their repressive policies. The situations in Chile, South Africa, Sierra Leone, Liberia, and Sudan are just a few examples demonstrating the adverse effects of multinationals on internal conflicts and situations of severe human rights violations.

In September 1973, a military coup removed Allende from government and set the stage for a repressive military regime in Chile that would dominate until 1990.(7) The Pinochet government committed enormous human rights atrocities characterized by the extensive use of disappearances, extrajudicial detentions, arbitrary arrests, and the brutal torture of men, women and children. All leftist parties were outlawed, media censored, civil rights suspended, and political opponents tortured and murdered. In 1975 the Pinochet government embarked on an economic program of free market capitalism and privatization of the economy,(8) accompanied by a new Labor Code that restricted the activities of unions and the rights of workers. The liberalization of foreign investment and the opening of the economy to international market forces, served as incentives for multinationals to operate in Chile. The benefits of economic growth were concentrated in the hands of the upper classes and state elites, creating a decline in living standards for the majority of the population.

By virtue of multinationals operating in Chile they provided undeserved legitimacy and international respectability to a regime that repressed Chilean opposition and violated human rights.(9) David Carleton has conducted empirical studies on the relationship between export-oriented industrialization and incidences of repression in Latin America. Similar to the Hymer thesis, he claims the shifting of production facilities by MNCs to Third World nations creates a new international division of labor that is closely tied to the repression of labor rights. The first hypothesis is that MNCs strategically seek to operate in repressive nations, attracted by the "docile and powerless labor force."(10) This is the repression as cause argument, alleging multinationals take advantage of repressive situations. The second hypothesis states that MNC presence enhances repression, or repression as effect argument. Increasing

industrialization continues to exploit the labor force leading to political opposition and pressures on the state for reform, and subsequently political repression by the state of opposition forces. While statistical evidence shows that MNCs in Chile had no direct culpability and responsibility for human rights violations and actually contributed to the success of economic prosperity, the mere fact that MNCs conducted business interests in Chile bolstered and legitimated a repressive regime resulting in an indirect effect on the socioeconomic rights of the citizens.

Although the theory is a generalization, the role of MNCs in Chile draws parallels with apartheid in South Africa. Multinational banks lending to South Africa have been accused of helping the apartheid government remain indifferent to international and domestic human rights pressures by providing moral legitimacy to a repressive regime, and permitting the government to attain economic and strategic self-sufficiency.(11) NGOs have alleged that international credit provided the margin of funds needed by the South African government to finance its military buildup, stockpiling of oil, and its major infrastructure projects in strategic economic sectors such as transportation, communication and steel production. Banks indifference to international and internal human rights pressures created a perception of stability at the price of oppression, which further encouraged multinational involvement. As well foreign military sales to South Africa has been objected to by human rights organizations, who claim export sales of aircraft and arms can be used as counterinsurgency surveillance against black nationalist forces opposing the white government. The cases of Polaroid and IBM demonstrate how the export of technical, electronic, and data equipment can serve as tools for the government. In the situation of Polaroid, it was discovered that a Johannesburg distributor had violated the prohibition of the sale of goods to the apartheid government facilitating their repressive activities. Human rights organizations alleged IBM sales to South Africa indicated the use of technology to facilitate the government's system of compulsory identification documents for social control of the blacks, and other products were used in inimical ways to individuals and society.

In many countries rich in natural resources such as oil and diamonds, multinationals "often cozy up to whichever regime is in power, however nasty, in order to protect their investments."(12) By engaging in profit-making activities with repressive regimes, multinationals have the potential of protracting conflict especially when resources are at the core of the crisis, impede peaceful resolution and humanitarian efforts, and provide the necessary investments for governments to prolong a conflict inflicting human rights violations. With economics becoming a motivating factor for conflict, the nature of business and capital places MNCs in a situation where they cannot be impartial, neutral or independent of the parties or politics to the conflict. Diamond mining industries in Sierra Leone have been accused of fueling the war by providing military supplies or acting as a go-between with mercenaries to obtain access to diamond resources.(13) To maintain control of diamond concessions within a certain radius, companies have been linked with governments and mercenaries who use security tactics resulting in human rights atrocities. In the context of increasing threats to natural resource industries operating in conflict areas, companies legitimately require security for personnel and property, but need to ensure that such

protection does not result in further human rights abuses. Companies have a duty to avoid both complicity in and advantage from human rights abuses, and a company that fails to speak out when authorities responding to corporate requests for security protection commit human rights abuses will be complicit in those abuses.

Similarly, the interests of foreign businesses in Liberia played a crucial role in fueling the conflict. Strictly driven by profit motives, foreign businesses exploited the country's resources in diamonds, timber and gold to finance the rebel insurgency.(14) Ethnic Lebanese businessmen had constituted the most powerful economic force in the country even before the civil war. To exploit the war economy to their advantage, they formed close working relationships with the warlords and regional peacekeeping officers for protection against any unpredictable factions. European multinational corporations with prewar interests continued to do lucrative business in Liberia during the civil war. While foreign multinationals paid fees for protection of their region of operations, these protection fees provided factions with the financial means to procure arms that would empower rebel movements to sustain the conflict.

In Sudan, oil has been one of the contentious issues at the core of the civil war waging since 1956. The recent media frenzy over the actions of a Canadian oil company (Talisman) operating in Sudan demonstrates the difficulty of finding the data to correlate the variables of oil development and human rights violations. Human rights organizations played a pivotal role in bringing the issue to public attention, leading the divestment campaign, and pressuring governments to further investigate the situation. It is argued that Talisman has direct culpability in the conflict in Sudan for two reasons. Firstly, the Greater Nile Oil Petroleum Consortium is a partnership with the Sudanese government, a China based oil company, and a state-owned Malaysian company. Any revenue from this project provides funds for the government to fuel the war, especially a government that the southern Sudanese perceive as illegitimate. Secondly, there are allegations of massive population displacements as a result of the Sudanese government trying to secure a buffer zone around the oil field and development.(15) A report released by the Canadian government following a mission to Sudan indicated that the implications of the oil issue have exacerbated the conflict and led to deterioration in the overall situation of human rights and the respect for humanitarian law.(16) The report seemed to point in the direction that Talisman has to live up to individual and collective responsibility by conducting its profit-seeking in full compliance with human rights, and should proactively seek assistance to develop and implement practical means of monitoring and reporting forced removals, displacements, and human rights violations.(17)

While the role of multinationals in human rights situations have not always achieved important considerations, the changing nature of the international system and the growth of a global society, renders international business enterprises important actors in conflict and humanitarian efforts. There are two basic components of humanitarian action in conflict situations: the first is emergency and rehabilitation assistance to affected populations, and the other is protection measures to prevent abuses of human rights. Human rights protection can include monitoring and publicizing of violations, lobbying governments, and nurturing broad support in efforts to prevent human rights

abuses before, during and after conflict situations.[18] In recent years it has become increasingly acknowledged that MNCs have an ethical responsibility with respect to the second component of humanitarian action. Human rights laws may be applicable and binding upon states, however, multinationals have moral responsibilities with regard to the promotion and protection of human rights, as well as the obligation not to be complicitous in states' violations of human rights. While multinationals have taken the stance of non-intervention in current situations that are political and absolute neutrality in matters of internal politics of host countries, the overwhelming role of corporations in these states, their significant power, and the intertwining of political and economic issues does not always enable MNCs to remain apolitical. This cosmopolitanist claim that our identity as citizens does not exhaust our obligations as collective subjects of humanity is a departure from the legitimacy of humanitarian efforts deriving from traditional political theory that assumes the state as the provider for security and welfare of its citizens.[19] The operations of business enterprises may in the long-run enhance respect for rights, however, in the short-term, due to the nature of conflicts corporations need to take substantive measures and implement proactive steps to achieve the ends of respect for human rights.

The formal international regime of human rights is predominantly limited to state parties, the basis of which rests in two international covenants, subsequent specific conventions, and various bilateral and multilateral agreements. Traditional realist conceptions of international relations conceived of a system structured around states with exclusive jurisdiction over their territory, occupants, and resources. The basic norms, rules and practices of international relations were predicated (and arguable to some extent are still based) on the principles of state sovereignty and non-intervention, the duty correlative to the right of sovereignty.[20] The choice of sovereignty as the ordering principle is based on the anarchic nature of the international system, the absence of a hierarchical rule that would regulate relations amongst states. The nation-state is conceptualized as a central and unitary actor in international relations, pursuing goals associated with power and the general interest of society.[21] While international human rights law and issues surrounding humanitarian intervention have witnessed a departure from the strict notion of state sovereignty over the last fifty years, generally issues involving the promotion of human rights and investigations into human rights violations have revolved around nation-states. "The politics of rights, legal protection of rights, and most philosophical treatments of human rights all posit nations as the primary actor."[22]

Realism as the dominant conception of international relations has come under scrutiny in recent decades. The evolving nature of the international political and economic system has developed new theories that challenge the core propositions of realism, the inordinate attention to issues of war and peace, and the nation-state as the central actor in global relations. As the international system becomes increasingly interdependent, the high politics of war and national security are no longer the only sources for states motivation and action. The low politics of transnational issues such as trade, the environment, human rights, and welfare have penetrated the agenda of states. Coinciding with the widening agenda of states is the proliferation of non-state actors who have a profound effect on the global system. While some may contend that states

are still important international actors, one cannot deny the cumulative influence of non-state actors in developing and promoting issues on the international agenda. There is evident "a devolution of power not only upward towards supranational bodies and outwards toward commonwealths and common markets but also downward towards freer, more autonomous units of administration."(23) A new actor that has emerged on the international scene is multinational corporations. The physical size and financial assets of MNCs have enabled them to wield tremendous economic power and impact in shaping the contemporary global system. The interdependence of the international system implies that the activities of large and increasingly internationalized multinational corporations affect the lives not only of individuals in their home country, but in various other nations as well. Corresponding with the changing nature of power of states comes responsibilities that were at a time only legitimated to governments. The debate arises whether MNCs, as one of the most powerful actors on the international scene, have an implied moral and ethical responsibility to promote and protect human rights in conflict situations. While the nature of international power has evolved making MNCs important in their own right, two changes in the international system also denotes a correlation between their power and an ethical responsibility to the community.

Firstly, globalization has not only affected areas of communication, technology and trade and investment, but also human rights and political crises. The subject of human rights is no longer the exclusive preserve of states and international organizations. The global community that encompasses individuals, social, political, religious, and cultural organizations have taken responsibility to develop norms, provide humanitarian assistance, monitor human rights abuses, and lobby governments. Human rights have broken national boundaries and become a transnational issue. Besides global trends, the changing nature of conflicts has served as a catalyst for the internationalization of human rights. The proliferation of intrastate versus interstate conflicts in the post-Cold War era, are considered globally significant due to the unprecedented humanitarian tragedies, enormous suffering, and the partial or total collapse of states.

It has been argued the nature of these global crises, whether they are human rights or the environment, has shaped the identity and development of a global society. "It is our common experience of fundamental disturbances, and the need to shape common responses, which is helping to bring global society into being."(24) As an increasing number of issues are being posed on global terms, there is a slight development of common values, expectations, and goals. The interdependence of inter-state and social relations implies that global issues impact everyone, especially the internationalization of corporations. The legitimacy of humanitarian action does not rest solely on a society of states, but in an emerging global society that includes both state and non-state actors. Perceiving the international economic system as just one institutional component of global society, necessarily implicates multinationals in the more general obligations for society at large. The challenge for multinationals to truly become incorporated in global civil society is ridding themselves of their exclusivist claims. Corporations need to see themselves as a public organization with a responsibility to society that takes precedence over profit-making.(25)

Coinciding with the development of a transnational civil society is a possible movement towards an ethic of global responsibility. Although in the embryonic stages of development, global responsibility implies that both state and non-state actors need to ensure that human rights adhere to global standards. The increasing internationalization of human rights in both domestic and international circles has heightened public sensitivity and contributed to a degree of morality regarding human rights issues. "People understand roughly what is meant by violation of human rights…whatever doubts there may be about minor moral questions and whatever respect each culture may owe to its neighbours, there are some things that should not be done to anybody anywhere."(26) While the dramatic increase in technology has facilitated the enlargement of our moral scene through the diffusion of information, it has also provided dominant actors and nations with the resources to refrain from actions that are to the detriment of human beings.

Non-governmental organizations and individuals have played an important role in campaigning against MNCs where their activities are perceived as contributing to human rights violations and conflict. As is widely known, non-governmental organizations have been significant catalysts in motivating the human rights movement, and promoting and protecting internationally recognized human rights. To pursue their commitment to the better treatment of individuals around the world, non-governmental organizations have not been reluctant to pursue tactics affecting multinational corporate involvement with nations allegedly violating human rights. NGOs and individuals in North America and Western Europe have developed campaigns to encourage consumers to boycott products and services emanating from repressive regimes; campaigns to force universities, pension funds, and large investors to divest themselves of stocks in companies operating in areas such as South Africa and Sudan; targeting corporate offices and engaging them in discussions about human rights; lobbying governments to influence the behaviour of MNCs; and the use of proxy resolutions, as a legal means by which institutional and individual investors may submit proposals to corporations on issues that speak to the immediate interests of the corporation.(27) The efforts of non-governmental organizations have limited success in pressuring multinationals to disengage in activities that protract an existing conflict and human rights situation. Realistically international business enterprises will not lead the way in humanitarian action. Yet as one of the most powerful actors in the global economy, non-governmental organizations cannot successfully pursue their humanitarian objectives without the cooperation of multinationals.

For reasons discussed earlier: the changing nature of conflicts, the increasing power of multinational corporations, internationalization of human rights issues, and the emergence of a global civil society, have made it increasingly important for multinational corporations to consider humanitarian action within the interests of their business. While the burden of solving conflicts and ending human rights atrocities should not rest on the shoulders of MNCs, multinationals should be mindful of their actions. One area of enhancing multinational's humanitarian action is through the monitoring of human rights abuses in cooperation with non-governmental organizations and governments.(28) MNCs need to look beyond the confines of their

compound and acknowledge that human rights violations have occurred in the regime where they are operating, and their actions may have the potential of exacerbating existing tensions. As the eyes and ears into conflict, multinationals can provide valuable information regarding compliance with international human rights and humanitarian law. This information can be used by non-governmental organizations in pursuing their broader humanitarian mandates, as well as assisting inter-state relations in resolving the conflict. Though there are limits to the extent of multinationals conducting investigative missions, human rights monitoring groups can be established consisting of representatives from international organizations, NGOs, corporations, and governments.

There should be some accountability by corporations involved in security arrangements to protect the perimeters of business operations. Written agreements could include specifications that security forces conform to human rights obligations, make public the provisions with state entities and organizations, screen security force members, and report and investigate abuses occurring in the area of operations. Corporations have a responsibility to monitor security force activity especially when companies themselves have called for security force intervention.

Another area where NGOs, governments, and corporate partnerships can be strengthened is in community development. In many less developed countries where multinationals are pursuing business interests, populations lack proper infrastructure and have no access to education, health and social services. By pooling collective resources, the global community can make substantial contributions where they are most needed and corporations can assist in the development priorities of states. In the Sudan conflict, Talisman has contributed to alleviating some of the ravages of the civil war through projects that include: the building of a 60-bed hospital in Heglig, a medical dispensary, funding of medical treatments including vaccinations, provision of water wells, construction of roads, supporting local artists, and donations of desks and chairs to local schools.(29)

As well, corporations might be able to use their leverage of economic and close relations with repressive regimes to induce them to improve their human rights practices. By engaging corporations and repressive regimes in an ongoing dialogue on human security may lead to incremental changes and the inclusion of certain human rights practices in business agreements. To neutralize the impact of revenues on conflict situations, accountability measures should be established to ensure that revenues are directed towards development projects and humanitarian purposes rather than to fuel conflict and facilitate repressive policies. MNCs have been reluctant to pursue this line of action due to concern with interfering in the sovereign responsibilities of states. The expectation is not for multinationals to pursue bilateral relationships with repressive regimes in isolation. These initiatives require the careful consideration and support of the international community who will gradually incorporate other actors into the system to ensure that it works as intended.(30)

A contentious alternative is the use of long-distance political watchdogs in home governments. There are number of regulatory and non-regulatory options available for governments to pursue: strengthen the development and implementation of

independent monitoring of codes of conduct in cooperation with multinational corporations; devise specific and detailed country and regional guidelines for businesses with respect to repressive regimes and countries with poor human rights records; refrain from export promotion, financial or investment incentives for firms who decide not to operate in a country where activities may enhance the repressive capacity of the state; in certain situations, the government should directly intervene in the activities of corporate citizens with recommendations for improving or withdrawing business operations; continue to develop linkages between human rights and development within the domestic and international sphere.(31) While governments are in excellent positions to exhort business to meet human rights standards in their international operations, their role as a facilitator can also be negative. Human rights policies have often been known for its inconsistency as states continue to pursue a mixture of political, military, economic, and other interests in their foreign policy agendas. The subordination of human rights issues to other interests in foreign policy will affect government guidance to multinationals, and will continue to be hypocritical and indecisive. Human rights concessions will never be more than token gestures until multinationals and governments place a higher premium on relieving repression and human rights situations.

Needless to say, the simplest solution is that corporations refrain from engaging in activities with countries in volatile situations or who are internationally recognized for severe human rights violations. Corporate decisions to intervene in conflict necessarily come with the responsibility to constructively influence the situation.

At the broadest level of the global political economy there is a positive relationship between direct foreign investment by MNCs and better human rights conditions in less developed nations. However, disaggregating MNCs as a group and focusing on the national level will display some behaviour inimical to rights. These commercial leviathans possess the size, technology, and economic reach to influence human affairs on a global scale. The increasing interdependence of the global community, the prominence of human rights issues amongst states and civil society, and the socio-economic impact of corporations have made moral claims and responsibilities legitimate to corporations as they are to individuals and governments. This is especially relevant when oppressed communities perceive multinationals as the most visible manifestation of foreign governments. While the objectives of multinationals are aimed at the maximization of profits and efficiency, global transformations require that multinationals look beyond short term opportunities of engaging with repressive regimes towards a long-term betterment of human rights conditions. Behaving as ethical corporate citizens does not entail interfering with the sovereign responsibilities of governments, but can include a range of activities and at a minimum the option for multinationals to choose the more ethical alternative. Given the steady growth of global economic interdependence, it is unlikely the near future will bring a halt in the rise of international consciousness. In order for the human rights regime to develop beyond its current parameters, the burden of morality can not only be shouldered by states but must be shared by all of humanity.

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A Private Security Panacea? A Response to *Mean Times* on Securing the Humanitarian Space

by

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Since the end of the Cold War, it has become a truism to state that humanitarian NGOs/IGOs in the field face new and difficult challenges in securing the humanitarian space. In the weak state environment, gone is the assumption that host governments are willing or able to provide security for the populace, let alone ensure that humanitarian operations are able to proceed relatively unmolested. Given the obvious importance of this issue, it is the subject of both policymaking and intellectual activity. One such combined endeavour is the 1999 report, *Mean Times: Humanitarian Action in Complex Emergencies - Stark Choices, Cruel Dilemmas*, issued jointly by CARE Canada and the Program on Conflict Management and Negotiation at the University of Toronto. In their report, the authors propose as a solution that humanitarian organizations should consider relying on the growing private security industry.

The focus of this paper is to expand upon and critically evaluate the private security option through analysis of the current evolutionary state of commercial security and a consideration of the dilemmas this poses for humanitarianism both now and in the future. Defining first what it means to secure the humanitarian space, the paper then makes two arguments. One, interaction between private security companies (PSCs) and humanitarian organizations is nothing new. Two, current capabilities, business strategies, and perceptions of the private security industry coupled with the lack of an effective regulatory framework for non-state security simultaneously raise unique complications to securing the humanitarian space.

Securing the Humanitarian Space

In 1995, then-Secretary General of the United Nations Boutros Boutros-Ghali commented that securing the humanitarian space was "one of the most significant challenges facing the humanitarian community".(1) A basic definition for "humanitarian space" seems straightforward; "a consensual space for humanitarian actors to do their work".(2) However, the challenge for humanitarians is twofold. The

first challenge is that securing the humanitarian space is a dynamic and multifaceted process made increasingly complex by the intra-state and violent context in which humanitarians now do much of their work. In revealing this dynamism, Larry Minear and Thomas G. Weiss suggest that the appropriate way to view this spatial metaphor is not as a walled room, but instead as an accordion.(3) For them, the expansion and contraction takes place along three main interrelated lines: geographical, meaning that humanitarian activity is restrained by facts of physical geography and the limited means of humanitarian actors to over come them; political, concerning the perceptions of local actors towards humanitarian activities, regardless of whether they are following the humanitarian ethic's characteristics of neutrality, impartiality, and humanity and; security, referring to violence or the threat of violence between combatants, often also directed at noncombatants, that prevents humanitarians from reaching those suffering. It is clear that securing the humanitarian space is not one way; it is determined by the capabilities and activities of each actor and their interaction.

It is similarly clear for humanitarians that tradeoffs must be made in their strategies and that in following the humanitarian ethic, they may actually end up limiting the quality and quantity of their assistance and even placing themselves at risk. For instance, they may have to turn a blind eye to banditry or the ways in which locals distribute humanitarian assistance, thus limiting the benefit of humanitarianism and perhaps even contributing to ongoing conflict. Conversely, taking steps to combat these measures can lead to accusations of partiality, real or perceived, which raise hostility, forcing a comparable contraction of the humanitarian space. Also, in some cases, just the provision of humanitarian assistance is antithetical to combatants following a strategy of terrorizing and sapping the morale of civilians, making humanitarians the targets for attack.(4)

Indeed, the physical security of humanitarians is also key for securing the humanitarian space; without humanitarians, the debate over tradeoffs would be meaningless. Over the course of the past five years, humanitarians of all organizational stripes have been subject to hostage takings, threats of violence, and killings. To name only a few examples, the United Nations High Commission for Human Rights (UNHCHR) has lost personnel in Rwanda, delegates for the International Committee of the Red Cross (ICRC) were murdered in Chechnya, and CARE USA has suffered human loss in Somalia and Sudan. One 1998 study even made the astute observation that more Red Cross workers have been killed in action in recent times than U.S. Army personnel.(5)

In light of this dangerous humanitarian environment, the second challenge is that although this new context has also necessitated the insertion of military forces such as multinational peacekeepers, this action nonetheless entails similar tradeoffs and complications along the three lines presented above. At the extreme, the ICRC asserts that complete independence of humanitarian activity is necessary, regardless of the need for protection or problems with delivery, because not only should humanitarianism be non coercive, it should also not be tied, or perceive to be tied, to a political agenda in which outside forces are but a representative of a larger scheme.

Nonetheless, in recent years the ICRC has moved, albeit with great hesitancy, towards acknowledging the role outside forces often have in achieving general stability allowing for operations. Other humanitarians have embraced, to various degrees, the role of outside forces providing such macro elements as general stability through to the more micro aspects of assisting in the delivery and protection of assistance and providing protection for personnel and compounds. The promise and pitfalls in using military forces to help secure the humanitarian space are revealed in the comments of Jan Eliasson, the former United Nations Under-Secretary General for Humanitarian Affairs: "NGOs rightly need to maintain independence and distance from political issues in order to have access to the victims and to preserve their humanitarian credibility...Conversely, the presence of United Nations Peacekeeping forces may secure a suitable environment for humanitarian activities. These forces provide protection to relief workers and protect the distribution of aid".(6) Therefore, it is clear that in attempting to assist humanitarianism, the use of international force is a double-edged sword.

But, as the *Mean Times* report implies, and others overtly state, trying to dull the adverse effects for humanitarianism may be a moot point.(7) Problems discovered in operations in the early 1990s and a fear of sustaining casualties for causes not directly tied to the national interest of the most powerful states have led to a retrenchment, thus putting in jeopardy humanitarians and their work. Certainly, casualty sensitivity tied to the national interest is not necessarily a bad thing. Stephen Kinloch notes that "[t]he fear of casualties on the part of states can be considered a healthy phenomenon, reflecting governments' responsibility and their accountability for the lives of their citizens. National armed forces are, after all, primarily for the defence and protection of the interests and citizens of the country they serve".(8) However, no matter how healthy the sentiment, this once again catches humanitarians between a rock and a hard place. On the one hand, humanitarianism, encompassing both the personnel and their activities, continues to require a reasonable degree of security which military actors can provide. This may only be provided, however, on a case-by-case basis depending on the interests of those on the United Nations Security Council or in regional forums. Moreover, once in theatre, the military agenda may not coincide with the humanitarian timetable. On the other hand, this means that provision of outside force, when it is offered, is due to particular national interest which might affect the humanitarian space.

Here lies the appeal of turning to the private sector. Undoubtedly, the outside introduction of potentially coercive means for the sake of humanitarianism, whatever its source, remains bothersome for many. But for those who have experienced the perils of post-Cold War humanitarianism and have gained a more pragmatic approach, commercial security seemingly mitigates many of the dilemmas surrounding force and securing the humanitarian space: it can be employed and dismissed on the basis of performance and humanitarian, rather than political, timetables and, in a related manner, is not only *available* but also comes with no political strings attached.

Private Security Providers and Humanitarians

To begin, it is important to define "private security". For the purpose of this paper, it refers to a spectrum of companies which have a distinct business nature with a permanent core staff and on-going marketing. Their range of services, their clientele, and their ability to operate internationally vary from firm to firm. They make up a booming industry both domestically and internationally, yet are but bit players in a much larger trend towards privatization of social and economic activity in states. In this way, the neo-liberal restructuring of state activity is also increasingly seen in the trend for states to rely on NGOs to provide international assistance.(9) James Fennell, a former CARE UK worker and now an advisor for Defense Systems Limited (DSL), recognizes this shared lineage: "The increasing role of commercial security companies may be viewed in a similar vein to the increased policy and technical input of NGOs over the past two decades to the provision of official relief and development assistance to Southern nations".(10) Certainly, it would have been surprising if the changing role of government in the developed world, manifest in the privatization of welfare and security in the domestic sphere, had not somehow permeated foreign policy.(11)

The scope of activities performed by private security providers to the benefit of humanitarians goes from soft (passive/protective)to hard (proactive/aggressive). Training is the activity nearest the soft pole. Depending on the nature of the humanitarian client, the benefits of security training have taken on increased importance for either practical or ethical reasons for post-Cold War humanitarian activities. On the practical side, despite the danger posed to humanitarians in weak and crumbiing states, studies have shown that security-specific training has been the exception rather than the rule, particularly for NGOs.(12) Sean Greenaway and Andrew Harris found that only six percent of the humanitarians they surveyed reported no concerns with security, yet many NGOs, for example, do not have frameworks to assess risks or make contingency plans and much of their experience in security practices, techniques, and capabilities is garnered only from earlier operations.(13) On the ethical side, actors who wish to eschew robust responses for the sake of not compromising the humanitarian ethic favour training.(14) The ICRC, for instance, has an extensive array of developed and tested procedures and even has a simulation training site in Switzerland that resembles an Eastern European village. While in-house programmes such as this are elaborate and beyond the means of many humanitarians, there is nevertheless a growing marketplace for security training rooted in the basic realization that security awareness, increased competency, and level headedness are vital for the success of humanitarian operations.

To serve this marketplace, many PSCs either currently hold contracts with humanitarian organizations or have the capacity to provide the requisite services. While some of the training services are inappropriate for humanitarian operations (anti-industrial espionage, sharpshooting, and "getaway" driving to name but a few), many providers have developed product lines sensitive to the needs and operating conditions of humanitarians. Training offered deals with such diverse yet crucially important aspects as threat assessment, information management, contingency planning, and convoy and emergency vehicle operations. DSL, for one, provides a

variety of security analyses, audits, and training for a number of humanitarian clients: CARE, Caritas, USAID, and United Nations bodies are some examples. These services supplied by DSL and its competitors do not entail the "hardening" of humanitarian organizations as feared by many organizations, but instead deal with the ad hocism that plagues many humanitarians' approach towards security.

"Hardening", however, is possible through the protection of humanitarian compounds and personnel. These guarding services are similar to those offered by commercial security to embassies, military bases, corporations, and mining operations around the world. While most PSCs have foreign nationals in the managerial positions in the field, local recruitment is key. The ratio of foreign nationals to local employees is determined by such factors as level of risk, the size of the contract, the wishes of the client, and whether or not training of the local workforce is required.(15) One company, the recently closed Lifeguard, employed nationals from South Africa, the United Kingdom, and the United States, but operated predominantly in Sierra Leone. In its operations, which included providing guards for diamond mines and the United Nations and World Vision missions in Freetown, the ratio was anywhere from three to fifteen local employees to every foreign national. Similar operations performed by DSL for seven different United Nations humanitarian clients in Afghanistan, Rwanda, Somalia, Sudan, and Tanzania also rely on local recruitment to varying degrees.

The "hardest" service, of course, is active military assistance that would provide the general stability in which humanitarians could work unmolested. Some PSCs operate as "force multipliers" in that not only do they provide military assistance in terms of procurement strategies and training to local state-led forces, but they also participate directly in combat on the behalf of their employer. Indeed, the operations of the now defunct Executive Outcomes (EO) in Sierra Leone (1995-1997) and Angola (1993-1995) and of Sandline International in Sierra Leone (1998) have been credited by local civilians and humanitarians alike for the relative stability their presence brought. Ian Douglas, a former Brigadier-General in the Canadian Armed Forces and later a security advisor to various United Nations operations in Africa, comments in the context of Sierra Leone that "EO gave us this stability. In a perfect world, of course, we wouldn't need an organization like EO, but I'd be loath to say that they have to go just because they are mercenaries".(16) As will be discussed below, given the connection with the non-state use of force, this option is the "hardest" in all senses of the word for securing the humanitarian space. But it is important still to note the praise given these PSCs for their effectiveness and willingness to work in environments that the international community generally avoids.

Current and Future Implications for the Humanitarian Space

Is the private option the panacea for humanitarians? The text above reveals that interaction between humanitarian IGOs/NGOs and private security proposed by *Mean Times* already exists on many levels. What is limited, however, is analysis of the actual effects of this relationship on securing the humanitarian space, analysis that considers the issues of privatized peacekeeping and its implications for consent, the problems related to legitimacy, and the long term financial and political implications. Generally speaking, the more one moves towards the hardened end of the spectrum, and the more

robust the nature of these activities, the more controversial and problematic the effects on securing the humanitarian space. These effects are unique due to the current state of the private security industry.

Privatized Peacekeeping and Consent

Can there be such a thing as privatized peacekeeping? At first glance, because of the continued desire of humanitarians to have access to populations in need and a secure environment conducive to the delivery of assistance, the idea is appealing. Add to this the limited desire of states to contribute troops to humanitarian endeavours, let alone help devise rapid reaction capabilities or a stand-alone United Nations force. Two related elements, however, conspire against this.

First, the private security industry simply does not have the numbers of personnel or the capabilities to carry out post-Cold War peacekeeping. It is correct that though most firms have limited permanent staff, several boast hypothetical contractual access to several thousand personnel; EO was able to draw from a manpower pool rich in skills: engineers, medical personnel, demining experts, communications technicians, and pilots. Also through by-passing state and international bureaucracies, it was able to mobilize much faster. It is also true that smaller state-led humanitarian operations, such as France's 1994 *Operation Turquoise* in Rwanda which involved only 2,500 personnel, were deemed a relative success.(17) But even the management of some PSCs and analysts strongly supportive of private security question the ability of firms to provide the requisite number of skilled personnel for long periods of time.(18) In fact, during the course of EO's and Sandline Internationals' contracts in Africa during the 1990s, never was there more than approximately 500 personnel contracted for any given operation, a far cry from the 5,537 military personnel suggested for the United Nations Observer Mission in the Congo (MONUC).(19)

Second, PSCs with experience in providing what could be termed "top cover", or the ability to create a secure environment through robust measures as opposed to passive traditional peacekeeping, only engage in these contracts with sovereign clients. These firms, as force multipliers, capitalize on the manpower already available to the state through the provision of training and other assistance.(20) The implications of these PSCs' particular services being sovereignty oriented for the humanitarian space are twofold. One, even if a PSC was somehow able to generate the necessary manpower, it would accept a contract with a humanitarian organization only with the consent of the state in which the contract was executed, a highly unlikely occurrence give how states particularly in the South guard the sovereign prerogative. Private security has, for international legalist Juan Carlos Zarate, "developed a *modus operandi* compatible with the needs and strictures of the post-Cold War, state-based international system".(21) Two, though native soldiers combined with foreign force multipliers may provide the top cover desired by humanitarians, the space they create is not "consensual" as they are guided by sovereign political mandates fighting to win rather than to act impartially. For instance, while international peacekeepers usually attempt to persuade combatants that they are an independent force with third party status, EO, in light of its sovereignty orientation, specifically referred to its peacekeeping potential on its

Internet site as "persuasion" services.(22)

The point is to recognize that reliance on private contractors combined with national militaries has unique effects on securing the humanitarian space. Access is limited because humanitarian operations can only continue effectively in areas under government control. Also, reliance on or association with these firms could potentially hamper the humanitarians' relationship with opposing groups. This impact with respect to partiality, real or perceived, is further complicated by the fact that many firms or family of firms provide both the ability to take and hold ground and provide guarding expertise. As noted by the ICRC, regardless of the service actually provided by a firm, the image of the humanitarian actor and its activities remains key, and as such "it might be delicate to have a contractual relation with a company which is actively engaged on the side of a party to a conflict".(23) Note, for instance, Lifeguard, which provided the less controversial product of guarding for mines and humanitarian organizations, was an offshoot of Sandline International. It shared with Sandline International connections not only at the managerial level but also in terms of personnel, many of whom actually participated in earlier fighting. With Boutros Boutros-Ghali, amongst others, arguing how difficult it is to employ force and still maintain or revert to a consensual environment, it is unclear if the corporate equivalent will fare better.(24)

Certainly, humanitarian actors have not been unappreciative of the relative stability these firms have provided when no one else would.(25) Moreover, for Michael Grunberg of Sandline International: "Sandline has found that NGO personnel on the ground are very supportive of closer relationships (because it provides them with access to protection when needed and information at other times)."(26) Yet despite the practicality of this stability and growing relationship, PSCs that offer these services remain sovereignty bound in the weak state environment where conflict is ongoing and governance is questioned. Thus, pragmatism comes at the cost of, or at least a shift in, the humanitarian ethic that works to sustain neutrality, impartiality, and humanity.

Legitimacy

Likewise, the current issue of contested legitimacy complicates constructive relations between private security and humanitarians. While states have varying degrees of regulation governing the use of private security on their own territory or on its export abroad, there is no relevant international regulation related to private security. In fact, the terms and definitions pertaining to the non-state use of force applied in such recent endeavours as the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries and activities of the United Nations Rapporteur on Mercenarism are focused squarely in the context of 1960s/1970s' concerns regarding self-determination and decolonization. In other words, the language and subsequent prohibitions are a response to the earlier blatantly destructive activities of vagabond mercenaries in places like Congo, Biafra, and Rhodesia. Even Yves Sandoz, the ICRC Director of International Law and Communication, indicates the inappropriateness of this stance: "...I have the impression that the basic approach is not relevant today and that the problem of private security should not be essentially based

on the mercenary issue as it was dealt with in the seventies".[27] Nevertheless, many humanitarians find it difficult to black out the prevailing fact that for at least 150 years nation-states have owned and controlled armed force and military expertise. Similarly difficult to ignore are the not so distant memories of destabilizing activities by mercenaries.

The symbolic connection between the state and the use of force and the effect of legal norms designed for a particular type of activity have heightened the fears of many humanitarians, fears already triggered by the challenges of securing the humanitarian space in the post-Cold War weak state environment. Sandline International reports of a dichotomy in NGO operations where those on the ground are supportive of closer relations while the leadership of NGOs at the executive level remains hesitant and sceptical.[28] As well, *Africa Confidential* in 1996 noted that EO provided security and information to a major international aid agency that has since kept quiet to avoid the wrath of its donors.[29] Similarly, despite the need and advice from many UN personnel to take the private route, Kofi Annan and other Security Council members eventually balked at the idea of employing DSL to separate fighters from refugees in the Rwandan refugee camps in Goma. For Annan, "...the world may not be ready to privatize peace".[30]

This is not to say that PSCs do not strive to attain this legitimacy. Some companies have put forth their own proposals for regulation.[31] Also, DSL, which does not provide top cover, but does train militaries in the midst of conflicts and guard humanitarian compounds and convoys, states that it adheres to Red Cross/NGO Codes of Conduct.[32] As well, many of the firms even provide training in international humanitarian law. As for conduct on the ground, officials such as the head of Sandline International, Timothy Spicer, go to great length to explain that their companies follow human rights and humanitarian law religiously for the sake of reputation and repeat clients, let alone for enhanced legitimacy: "We like to conduct professional service in line with the Geneva Convention, international law and behavioural standards one would expect from a disciplined, organised and properly constituted military force".[33] In support of this stance, the ICRC believes that there is no reason to assume that the behaviour of private security would be worse than that of other actors.[34] To further this end, PSCs such as Sandline International and EO have acted *outside* their contractual obligations to client states to perform "humanitarian" activities. This has included such diverse activities as the repatriation of child soldiers, escorting humanitarian convoys, ferrying Sierra Leone's football team to the African All Nations Cup, and providing logistics, intelligence, and aerial evacuations for NGO personnel.[35] As a sign of progress in regards to legitimacy for PSCs that provide top cover and perhaps even for the service itself, if not an indication of operational schizophrenia within the United Nations system, PSCs such as Sandline International are now listed on the United Nations Supply Database for United Nations and United Nations related organizations.

However in the final analysis, humanitarians cannot rely on private security to provide

top cover and other related spinoff benefits. On one level, for analysts of privatization, simple economic logic dictates that a profit-seeker cannot be expected "to attend at any significant cost to dimensions of value other than those specified in the contract".(36) In other words, while PSCs that provide top cover can act, for lack of a better term, as good corporate citizens with respect to interacting with humanitarians (convoy protection, information, rescue, etc.) for the sake of reputation, there is no contractual relationship demanding or even governing this interaction. Similarly, accountability rests in the relationship between the state client and the security provider, not the humanitarian organization. There can be no line of redress. In sum, as noted by one EO official "We are a commercial venture. We are not an aid agency".(37)

On another level, political pressure placed on contracting governments also limits humanitarians' reliance. The United Nations, for instance, did not engage EO in dialogue, despite the stability it brought to Angola and Sierra Leone, for fear of the label of collusion.(38) To sustain the pressure on contracting governments, the respective rebel movements, União Nacional para a Independência Total de Angola (UNITA) and Revolutionary United Front (RUF), both demanded that the contracts cease as part of any peace agreement. In the end for both cases, EO was forced to leave, peace broke down, the United Nations was unable to stabilize the situation, and fighting resumed. As for humanitarian operations, the renewed fighting forced a severe restriction of activities, compelling humanitarians to limit their work largely in the Luanda and Freetown areas due to theft and banditry. Therefore, PSCs that can provide stability for humanitarian operations cannot, under current conditions, be expected to follow humanitarian wishes or humanitarian timetables.

Long Term Implications for Future Research

There are three general areas where growing interaction between humanitarians and private security providers may have implications for humanitarianism worthy of future study. First, despite the inability or unwillingness of states to provide troops for humanitarian operations except for areas of national interest, a shifted reliance on private firms to provide top cover may be similarly limiting. While beyond the scope of this paper to delve into the triangular relationship between private security firms, mining operations, and governments, it is obviously clear that PSCs will only work for clients able to pay, usually the few states with access to lucrative and stable proceeds from gem and precious metal mining. Similar to those rulers in the 14th-16th Centuries who, wishing to hire Swiss mercenaries but possessing only limited means, were met with the response *"kein Geld, kein Schweizer"*, leaders in the developing world in need of private expertise face the harsh realities of the business environment. Also, in their drive to achieve legitimacy, not only will PSCs providing top cover accept only state clients, they also will not accept clients who are either pariah states or on unfriendly terms with other state clients. In 1997, this is seen doubly in the former Zaire where EO declined working with the Mobutu government due to the infamy of the regime and its long time support for UNITA.(39)

The potential effect on humanitarianism in need of monitoring would be that in growing reliant on PSCs to provide top cover, the provision of humanitarian assistance

would be based on business calculations rather than on the basis of need. While at the micro level humanitarians would continue to strive to maintain the humanitarian ethic on the ground, at the macro level humanitarian activities might be limited to those states lucky enough to have been blessed with rich ore deposits or a favourable political climate and reputation. One could argue that this problem might be handled by the United Nations actually hiring PSCs to provide top cover, thus overcoming issues related to the desired universality of humanitarianism. But this seems unlikely, not only due to the points above, but also given the long list of contentious issues related to the ongoing debate over the development of a stand-alone UN force (points of cost, appropriate capabilities, or control), which would also fall on the private option debate.

Second, once dependent on PSCs for services for which they must pay, humanitarians, especially cash-strapped NGOs, might face a financial crunch necessitating a reduction in activity. Referring again to the Renaissance example, the Swiss cantons knew that there was a substantial market for their citizens' highly valued services and prices were inflated accordingly.(40) In comparison, the current state of the private security industry may be susceptible to providers taking substantial economic rents. While the private security business is booming worldwide, the marketplace, as noted in *The Wall Street Transcript*, is incredibly fragmented.(41) As such, the distribution of competition, both service-wise and geographically, may permit this excessive rent seeking behaviour. It is certainly the case that not all PSCs provide services applicable to the needs of humanitarians. Consider also the current trend towards amalgamation of PSCs, creating less choice for the security consumer. In 1996, DSL, for example, joined ArmorGroup which itself is a division of ArmorHoldings. In light of this other similar acquisitions, ArmorHoldings has been labelled a growth through acquisition oriented company in a marketplace that is currently undervalued and thus presents no barriers to further acquisitions.(42) In fact, ArmorHoldings was included in *Fortune* magazine's 1999 list of "America's 100 Fastest Growing Companies". In a corresponding way, PSCs based in the state of operations, while offering greater levels of expertise and professionalization than other options, may capitalize on this advantage and the desperation of a humanitarian organization in an unsaturated marketplace.(43) Obviously, humanitarians will continue to require security obtained through various means, but the commodification of security may pose a financial challenge for humanitarians lacking competitive choice or access to redress via national or international anti-trust regulations.

Finally, placing humanitarianism entirely in the hands of private actors entailed in a NGO-private security relationship might remove any outside diplomatic pressure directed at solving the problems that led to the humanitarian crisis in the first place. Management and eventual resolution might be overtaken by simple containment. As outlined by Mark Duffield, the internationalization of public welfare is due to the collapse of effective governance.(44) This internationalization, however, comes via the sub-contracting to NGOs, a reflection of the change in governance in aid providing states. But one can argue that this devolution might not be a tactical form of privatization, meaning done for the sake of cost and efficiency, but rather as a strategic privatization where the developed world is slowly disengaging itself from not just the

realm of assistance, but also of resolution. Humanitarianism itself would be a "humanitarian alibi", activity performed that avoids essential political measures made by states.(45)

The provision of outside military force is usually seen as a sign of political commitment towards resolving conflicts. As shown above, the intrusion of politics is a difficult issue for humanitarians. Nonetheless, it is also clear for conflict resolution to occur in the current humanitarian context, one cannot employ the Cold War mindset where humanitarianism and political activity were isolated from each other. For Thomas G. Weiss, " ...there is no longer any need to ask whether politics and humanitarian action intersect. The real question is how this intersection can be managed to ensure more humanized politics and more effective humanitarian action". (46) But turning to the private sector for security in the face of the retreat of the "public sector" does not bring any improvement in the management of Weiss' intersection because political commitment has been removed entirely.

Reinforcing the security of humanitarians via private means will certainly protect humanitarians and facilitate operations, but at the cost of minimal applied diplomatic pressure. The United Nations Special Rapporteur on Mercenarism, Enrqiue Ballesteros, complains that the actions of PSCs such as EO leave the deep-lying problems untouched in the client states.(47) Yet, while their activities certainly have political implications, PSCs themselves indicate that they steer clear of client state politics. It is similarly difficult to contemplate NGOs attempting to resolve conflicts due to either a desire to maintain the humanitarian ethic, or failing that, possessing the requisite political authority to offer carrots or use sticks when needed. In short, placing humanitarianism increasingly in the hands of private actors and outside any larger diplomatic framework may reinforce the trend of treating humanitarian activity as a sign of commitment and a cure-all, thus preventing many conflicts from reaching the frontpage and receiving much needed international attention.

Conclusion

It is clear that for humanitarians to embrace the private option as *Mean Times* suggests, there would be effects on both the humanitarian ethic and correspondingly on the dynamics of securing the humanitarian space. While appealing in light of the retraction of the public sector in providing security, interaction between PSCs and humanitarians cannot be understood as a value-free economic relationship subject to the forces of supply and demand. As one moves along the spectrum of security services from passive to active, the interaction becomes complicated by the issues of consent, legitimacy, and longer term factors relating to the universality of humanitarianism, cost, and conflict resolution. Simply put, the concept of a free and competitive marketplace where humanitarians can chose from and contractually control a variety of providers offering an array of services does not exist. Furthermore, it may not be altogether wise if political endeavours are needed to solve the problems that led to the humanitarian problems in the first place. Assuming an expansion of the already existing relationship between humanitarians and private security providers, the nature of the industry as currently structured and regulated would, depending on the

service, change in varying degrees how humanitarian activities are perceived, delivered, and make an impact.

This should not be an excuse, however, to attempt to limit this relationship or dismiss it out of hand for fear of jeopardizing humanitarianism. Danger still confronts humanitarians in their daily operations. Calls such as the recent demand made by Canadian Foreign Minister Lloyd Axworthy for a humanitarian intervention force operating outside the confines of the United Nations Security Council reinforce the need for something to be done to resolve conflicts and protect humanitarians and those they serve.(48) While security was not a worry for humanitarians during Cold War times, current conditions demand that it no longer be neglected. Indeed, increased interaction between humanitarians and international forces earlier in the last decade revealed that many, while holding some reservations, are willing to deliver humanitarian assistance in a more pragmatic manner where flexibility is stressed over holding the humanitarian ethic as a moral absolute. While the private security industry, due to its business orientation and own limitations, is not a panacea allowing for humanitarians to return to the moral absolutes, it does serve as an option, and in fact is the only option other than humanitarians scaling down or pulling out, if public providers do not step forward. Whether it becomes the sole option or efforts are made to mitigate its more controversial immediate and long term effects are matters for future needed discussion.

Footnotes

1. Boutros Boutros-Ghali, Confronting New Challenges: Annual Report on the Work of the Organization (New York: United Nations, 1995), p. 172.

2. Sean Greenaway and Andrew J. Harris, "Humanitarian Security: Challenges and Responses," paper presented at the Forging Peace Conference, 13-15 March 1998, Harvard University, p. 34, note 45.

3. Larry Minear and Thomas G. Weiss, Mercy Under Fire: War and the Global Humanitarian Community (Boulder: Westview Press, 1995), pp. 38-45.

4. Cedric Thornberry, "Peacekeepers, Humanitarian Aid, and Civil Conflicts," Journal of Humanitarian Assistance. http://www-jha.sps.cam.ac.uk/a/a017.htm, posted on 15 September 1995.

5. Greenaway and Harris, "Humanitarian Security," p. 5.

6. Jan Eliasson, "Humanitarian Action and Peacekeeping," in Olara A. Otunnu and Michael W. Doyle, eds., Peacemaking and Peacekeeping for the New Century (Lanham: Rowman & Littlefield Publishers, Inc,. 1998), p. 209, p. 211.

7. See Richard Falk, "Human Rights, Humanitarian Assistance, and the Sovereignty of States," in Kevin M. Cahill, ed., A Framework For Survival: Health, Human Rights, and Humanitarian Assistance in Conflicts and Disasters (New York: Routledge, 1999), pp. 122-136; Richard C. Longsworth, "Phantom Forces, Diminished Dreams," The Bulletin of the Atomic Scientists (March/April 1995), pp. 24-28. Some examples of trying to improve the relationship between

international forces and humanitarians are the UNHCR's handbooks *Working with the Military* and *Handbook for the Military*. Similarly, the latest British Army Field Manual stresses the dynamic and challenging nature of humanitarian operations and the need to maintain consent throughout.

8. Stephen P. Kinloch, "Utopian or Pragmatic? A UN Permanent Volunteer Force," International Peacekeeping 3 (Winter 1996), p. 171.

9. Mark Duffield, "Famine, Conflict and the Internationalization of Public Welfare," in Martin Doornbos, Lionel Cliffe, Abdel Ghaffar M. Ahmed, and John Marakis, eds. Beyond Conflict in the Horn: Prospects for Peace, Recovery and Development in Ethiopia, Somalia and the Sudan (London: James Currey Ltd., 1992), p. 58.

10. James Fennell, "Private Security Companies: the New Humanitarian Agent," presentation to the Conference on Interagency Co-ordination in Complex Humanitarian Emergencies, 19 October 1999, Cranfield University/Royal Military College of Science Shrivenham, p. 5.

11. Mark Duffield, "NGO relief in war zones: Towards an analysis of the new aid paradigm," Third World Quarterly 18 (No. 3, 1997).

12. Greenaway and Harris, "Humanitarian Security," p. 11.

13. Ibid., p. 2, p. 11.

14. Yves Sandoz, "Private Security and International Law," in Jakkie Cilliers and Peggy Mason, eds.

15. Interview, Bernie McCabe, Director, Lifeguard, 10 April 2000.

16. Cited in Herbert M. Howe, "Private security forces and African stability: the case of Executive

17. Donald C. F. Daniel and Brad C. Hayes, "Securing Observance of UN Mandates Through the Employment of Military Force," International Peacekeeping 3 (Winter 1996), p. 123 note 19.

18. See Kevin O'Brien, "PMCs, Myths, and Mercenaries: the debate on private military companies," Royal United Service Institute Journal (February 2000), accessed at http://www.icsa.ac.uk/pmcs-nf.html on 18 February 2000; Correspondence, Ed Soyster, Vice President, Military Professional Resources Incorporated, 23 March 2000. James Fennell of Defense Systems Limited suggests that private firms could take part in a train and equip programme for peacekeeping operations or could provide logistics and management expertise. As for more active participation, this too could be possible, but only as part of a larger multinational operation. Correspondence, 7 April 2000.

19. United States, U.S. House of Representatives, Committee on International Relations, Subcommittee on Africa, Statement for the Record made by Richard C. Holbrooke, United States Ambassador to the United Nations, (Washington 15 February 2000). It is interesting to note that DSL is currently providing the local security for MONUC operations in Kinshasa.

20. The term "top cover" can be attributed to Michael Grunberg. Correspondence, Financial Advisor,

21. Juan Carlos Zarate, "The Emergence of a New Dog of War: Private International Security Companies"

22. This information was taken from the Executive Outcomes webpage (http://www.eo.com) before the company shut down operations on 1 January 1999.

23. Yves Sandoz, "The Privatisation of Security: Framing A Conflict Prevention and Peacebuilding

Agenda," paper presented at Wilton Park Conference, 19-21 November 1999.

24. Point by Boutros Boutros-Ghali found in Adam Roberts, "Humanitarian Action in War: Aid, protection."

25. Interview, Brigadier-General Ian Douglas (retired), Canadian Armed Forces, 6 April 2000.

26. Correspondence, Michael Grunberg, Financial Advisor, Sandline International, 23 March 2000.

27. Sandoz, "Privatisation of Security".

28. Correspondence, Michael Grunberg, Financial Advisor, Sandline International, 23 March 2000.

29. Cited in Kirsten Sellars, "Old dogs of war learn new tricks," New Statesman (25 April 1997), p. 24.

30. Cited in Michele Griffin, "Blue Helmet Blues: Assessing the Trend Towards 'Subcontracting' UN Peace Operations," Security Dialogue 30 (Number 1), p. 47.

31. See http://www.sandline.com.

32. Correspondence, James Fennell, Defense Systems Limited, 7 April 2000.

33. Cited in Sellars, "Old dogs of war learn new tricks,", p. 24.

34. Sandoz, "Privatisation of Security".

35. Good corporate citizenship was also reportedly done by Lifeguard. Bernie McCabe indicates that Lifeguard promoted "collateral benefit" which had both passive and active components. On the passive side, the mere presence of the firm provided a degree of stability for the local populace. On the active side, Lifeguard provided, free of charge, such services as food, medicine, and water distribution. Interview, 10 April 2000.

36. John D. Donahue, The Privatization Decision: Public Ends, Private Means (New York: Basic Books, Inc., Publishers, 1989), p. 80.

37. Cited in Kevin Whitelaw, "Have Gun, Will Prop Up Regime," US News & World Report (20 January 1997), pp. 46-48.

38. David Shearer, "Outsourcing War," Foreign Policy (Number 112, Fall 1998), p. 76.

39. Zarate, "The Emergence of a New Dog of War," p. 149.

40. James Larry Taulbee, "Reflections on the Mercenary Option," Small Wars and Insurgencies9 (Autumn 1998), p. 155.

41. The Wall Street Transcript (17 April 2000).

42. Ibid.

43. For instance, before the arrival of UNTAF in Somalia, many humanitarian organizations were forced to rely on local "technicals" from warring clans. This situation was in fact a protection racket where NGOs paid the technicals, usually young men in machine gun laden pick-ups, **not** to steal relief food and medicine. Moreover, because the pay was high, the number of technicals quickly multiplied.

Correspondence, Lansana Gberie, Researcher, Partnership Africa Canada, 28 March 2000.

44. Mark Duffield, "The Political Economy of Internal War: Asset Transfer, Complex Emergencies and International Aid," in Joanna Macrae and Anthony Zwi, eds., War & Hunger: Rethinking International Responses to Complex Emergencies (London: Zed Books, 1994), pp. 64-65.

45. Larry Minear, "Humanitarian Action and Peacekeeping Operations," background paper for the UNITAR/IPS/NIRA Singapore Conference, 24-26 February 1997. See also Cornelio Sommaruga, "Humanitarian action and peace-keeping operations," International Review of the Red Cross (No. 317, March 1997), pp. 178-186.

46. Thomas G. Weiss, "Principles, Politics, and Humanitarian Action," Ethics and International Affairs 13 (1999), p.22.

47. See David J. Francis, "Mercenary intervention in Sierra Leone: Providing national security or international exploitation?" Third World Quarterly 20 (April 1999), pp. 319-338.

48. Mike Trickey, "Canadian Axworthy urges humanitarian force outside UN," Montreal Gazette, 11 February 2000.

Sleeping with the 'Enemy'? Canadian Government Funding of NGOs in Bosnia-Herzegovina

by

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Introduction

Along with an increase in the frequency of so-called complex emergencies in the post-Cold War era has come a sharp expansion in the number and influence of non-governmental organizations (NGOs).(1) Many observers have attributed this mounting importance to the so-called New Policy Agenda adopted by governments, which has fostered a perception that NGOs are the optimal vehicle for efficient post-conflict reconstruction and the creation of civil society (Hulme/Edwards 1997; Commins 1997: 141; Robinson 1993).(2) Official aid agencies have made additional funds available to finance their rising expectations of NGO capabilities in an expanding arena of services including health, education, emergency relief, and democratisation.(3) Not surprisingly, a mutual dependence between governments and NGOs has resulted, with NGOs increasingly looking to public donors to contribute to their projects, and governments relying on NGOs to deliver humanitarian aid and other services in complex emergencies and in peacebuilding operations.(4)

The development of stronger linkages between NGOs and government donors has prompted many observers in the mainstream literature to suggest that public funding sacrifices NGOs' values, autonomy, and ability to affect positive change (Biggs/Neame 1994; Fowler 1994; Smillie 1994; Uphoff 1994). Widely referred to as the 'third sector,' NGOs are assumed to be motivated by values and the protection of the weak, as opposed to governments and business which are interested in those with power and wealth, respectively (Korten 1990).(5) "NGOs and GROs [grassroots organizations] are *supposed to* act as a counterweight to state power - protecting human rights, opening up channels of communication and participation, providing training grounds for activists and promoting pluralism" (Edwards/Hulme 1994: 2; emphasis added).(6) On this basis, there is a tendency in the literature to depict the donor-NGO relationship in

a negative light, suggesting that NGOs' values and strategies will *inevitably* be compromised once they become entangled with government financial assistance. Not everyone agrees, however. According to Commins, receiving additional funds offers the possibility of expanding NGOs' scope of operations and therefore their ability to help people without necessarily compromising quality and accountability (1997).(7)

In this context, the purpose of this paper is to examine the extent to which the concerns highlighted in the mainstream literature are justified with respect to CIDA's financial support of two differently sized Canadian NGOs - CARE Canada and the International Centre for the Advancement of Community Based Rehabilitation (ICACBR).(8) A case study approach has been employed because of the tendency in the mainstream literature to generalize, both in terms of the characteristics of governments and donor agencies, as well as in terms of NGOs themselves. Consequently, many of the observations in this literature are *anecdotal* and treat NGOs as homogenous and aggregate entities.

CARE Canada and ICACBR are the focus of this study because both non-profit organizations have received substantial grants from CIDA to undertake projects in Bosnia-Herzegovina (BiH) following the end of the war in December 1995. The stakes for all NGOs in BiH are high because of the explicit role assigned to "civilian organizations and agencies" in Annex 10 of *The General Framework Agreement for Peace in Bosnia and Herzegovina* (also known as the Dayton Accord). In other words, agencies such as CARE and ICACBR have been given an *officially sanctioned* responsibility for emergency relief and reconstruction, as well as for repairing the social, economic and political divisions created by the war.

The structure of this paper is as follows. First, I will introduce the three primary criticisms of donor-funded NGOs that are presented in the literature. The second section will briefly address several institutional adaptations introduced by CIDA in the 1990s and then determine the extent to which the contentions made in the literature are warranted for CARE Canada and ICACBR. In the third section, I will elaborate on the three general difficulties that arise with the application and utility of the mainstream literature and propose an alternative means of conceptualising publicly funded NGOs.

1. The Three Vices: Linear Thinking, Donor Controls, and Evaluation Methods

In contrast to government's 'comparative advantage' which lies in its ability to exert power, control, and authority in order to provide security and redistribute wealth in society, NGOs are portrayed as small and independent facilitators, innovators, and private actors able to adjust rapidly to changing situations. Consequently, the arguments against the development of donor-NGO relationships generally fall into three related categories: first, it is argued that NGOs' values will be compromised because of a 'government mentality' that constrains their expression; second, it is asserted that NGOs' ability to autonomously design and implement projects which are responsive to the situation 'on the ground' will be compromised; and third, the literature claims that the tools used by governments to measure the success of these projects will obscure qualitative changes to civil society and ultimately limit NGO effectiveness. These three critiques are examined in turn below.

1.1 Linear Thinking

Biggs and Neame (1994) suggest that the "formal, linear, mainstream approach" to problem solving adopted by bureaucratised governments is incapable of capturing the complexities involved in development.[(9)] Besides the interplay between a diverse set of actors (e.g. NGOs, local politicians, international organizations, and the people themselves), development and reconstruction involves simultaneously addressing problems in several issue areas (e.g. political, social, economic). The 'project' or 'blueprint' mode of conceptualising these challenges is based on the contested assumption that it is possible to isolate simplistic causal relationships, acting upon which will lead to predictable results (Fowler 1994).

The implication of a linear mindset is a tendency for NGOs to alter their organisational structures to mirror those of governments. Thus, the state's preference for "technical competence, developed management systems and cost-efficiency" are adopted by NGOs as an implicit condition of funding (Korten 1990: 103; Robinson 1997). Consequently, a government 'mentality' that discourages multidimensional and integrative programs in favour of unidimensional projects with strict rules, tangible results, and financial accountability, is perceived by some to ultimately be more threatening to the overall success of development than the dependence on government funding itself (Biggs/Neame 1994: 40).

1.2 Donor Controls

The second concern relates to the constraints imposed by official aid agencies on the types of initiatives that funding is available for. NGO autonomy is expected to be compromised at the expense of donor agencies and international organizations, who are motivated to a greater extent by political factors as opposed to "the situation on the ground" (Gagnon 1998: 2). In recent years, this has meant an increase in official money available for special funding 'windows,' particularly with respect to AIDS, women in development, democracy, and emergency relief. Smillie and Helmich (1993: 24-5) note that

> [i]n some cases, the funds have been created as a direct response to NGO pressure. Usually they offer highly concessional terms, often a 100 percent funding basis. This has understandably attracted NGOs, but often at the expense of their own initiatives, in countries of their own choosing.

A related aspect is the emphasis on *limited time horizons* allotted before visible findings must be achieved. In BiH, the shifting of donor priorities every six months to a year was especially apparent in the transition from humanitarian relief to reconstruction, to business development, to minority returns, to building civil society (Gagnon 1998: 12).

One of the normative concerns raised by the perceived reduction in autonomy is the assumed unwillingness of NGOs to *criticise* governments and to play the traditional watchdog role that has been attributed to them. Not only are NGOs reluctant to

chastise their own financiers for self-interested reasons, but there is an increasing concern that "NNGO [Northern NGO] lobbying and advocacy may even have backfired, fuelling the right-wing agenda of reducing aid flows by generating evidence that some aid-financed projects are 'bad investments', and that some aid-financed policies are bad for poor people" (Hulme/Edwards 1997: 279).

1.3 Evaluation Methods

An extension of the aversion to 'blueprint planning' is the assertion that governments adopt evaluation techniques that are too linear, restrictive, and quantitative to accurately capture the contribution NGOs make. The emphasis on cost-effectiveness and efficiency - which are the indicators associated with the New Policy Agenda - are seen as being incompatible with equity and empowerment, even though the latter two are the objectives that many NGOs claim to pursue (Biggs/Neame 1994: 43).(10) Moreover, if *in*tangible indicators of results are ignored because of the adoption of quantitative methods and the measurement of tangible factors, some worry that sustainable development and accountability may be discouraged with an overall negative effect for the society (Uphoff 1994).(11) These concerns are especially significant when it comes to measuring civil society and democratisation, where *subjective* indicators are perceived to be necessary, since direct causal relationships are difficult to identify and the effects are often not objectively observable.

Moreover, while NGOs have generally been criticised for "failure to learn from failure," this problem is accentuated with the increased participation of government. According to Smillie (1994: 189), NGOs have traditionally not emphasised evaluation and research "because there are few reasons (and no money) to disseminate the positive lessons of development and many more powerful reasons to conceal the negative lessons than to institutionalise, remember, and disseminate them." Government agencies reinforce this problem because they have political incentives to conceal problems, both in terms of the NGO and with the aid agency itself. In other words, it is asserted that there are structural impediments to research and evaluation and thus to learning from past experiences.

Government and NGOs: The Canadian Case in Bosnia-Herzegovina

2.1 CIDA

Historically, CIDA's focus has been on poverty alleviation rather than on peacebuilding or humanitarian aid provision in complex emergencies.(12) Its six programming priorities are: basic human needs; the environment; the situation of women; infrastructure services; human rights; democratic development and good governance; and, private sector development. Through its NGO Division, CIDA has a working relationship with nearly 500 NGOs, to which it provides funds through a number of different methods (see below). The dependence of Canadian NGOs on CIDA is relatively high among OECD countries, estimated to be approximately 70 percent, although "domestic voluntary organisations in the health, education and welfare sectors have much higher dependency ratios..." (Smillie/Helmich 1993: 27).

(13)

First, in 1993, CIDA adopted a new approach called "institutional funding" as a way of addressing some of the problems (especially in terms of blueprint planning and linear thinking) that official aid agencies have been accused of. Consistent with the New Policy Agenda's emphasis on a 'hands off' approach for government, "[i]nstitutional funding means that CIDA funds the 'institution' rather than a collection of projects and programs. It is assumed that mature NGOs, if well-managed and founded on clear development principles, will have the sort of impact that they and CIDA espouse" (Smillie 1994: 192). This would seem to be a positive step insofar as participating NGOs are given greater autonomy and independence in selecting the parameters and policies adopted in their projects.(14)

The second critique, which suggests that political limits are placed on the issue areas where concessional funding is available, has greater validity in the Canadian context. (15) The Canadian Peacebuilding Initiative, for instance, which provides funding for short-term "innovative, rapid-response peacebuilding activities," also requires a significant element of 'Canadian content' to further develop "sectoral priorities, or Canadian niches" (CIDA 1999a). Moreover, Canada provides financial incentives for NGOs to implement programs in certain politically-motivated (albeit broad) sectors - such as humanitarian relief or gender issues - by changing the traditional "matching funds" requirements in favour of a higher percentage of CIDA funding. Contracts tend to be on a short-term basis, as the maximum length of 18 months for peacebuilding initiatives illustrates.

The final issue raised earlier concerns evaluation of NGO activities. In 1994, CIDA began planning its 'results-based management' (RBM) assessment strategy, which it claims seeks to find a "pragmatic balance between the use of qualitative and quantitative indicators" (CIDA 1999b).(16) However, opponents of 'blueprint' thinking would be critical of the RBM, since it includes determining causal relationships; describing or measuring changes; defining realistic expected results; identifying program beneficiaries; monitoring progress; learning lessons; and reporting results (CIDA 1990b).

2.2 CARE Canada

As one of the five largest NGOs operating in BiH, CARE Canada's involvement expanded dramatically beginning in 1995. At this time, it was granted C$500,000 by CIDA to provide 50 Canadian-made, solar-energy powered mobile water units. Its project "REACH" included providing food, clothing, medical attention, care-giving, as well as counselling to vulnerable members of Bosnian society, i.e. to the elderly, disabled, women, and youth (DFAIT 1998).(17) The program was partially funded by a contribution of C$1.79 million from CIDA and spanned a five year period between 1994 and 1999. In terms of the personnel used for its projects, the vast majority (approx. 400) on the ground were recruited, trained, deployed and managed locally, with only 12 staff members (8 Canadians) being brought in from outside of the country.

Regarding the first critique, the extent to which CARE Canada can be justifiably accused of *linear thinking* or of adopting a 'project mode' of planning, is difficult to determine because neither of these concepts are easily operationalisable. On the one hand, CARE Canada has been involved in a variety of projects that have been left to the local communities and NGOs to design and implement (see below), suggesting that it has adopted a multidimensional, flexible and responsive strategy. On the other hand, CARE Canada has emphasised the organisation's efficiency and cost-effectiveness - qualities criticised by some in the mainstream.(18) Moreover, this statement written about NGOs in general certainly applies to CARE in particular:

> While [NGOs] generally profess a closer affinity to the poor than to the state, they bear more resemblance to the state than they do to the poor - and in most of their activities they operate in a manner that is more akin to the state than to any organisation of the poor (Farrnington/Bebbington 1993: 177).

In other words, CARE Canada is a professional organisation which, at least in its official publications, adheres closely to the standards and objectives of its primary financial provider.

Second, as a recipient of institutional funding, CARE Canada seems to have a considerable degree of *independence* from the Canadian government in determining the specifics of its programs, although it has clearly operated within CIDA's six priorities.(19) Indeed, most of the planning and implementation of the NGO's projects were conducted by local NGOs and community groups themselves, and even the project management was carried out by the country office, CARE Bosnia & Herzegovina/Croatia, rather than by Ottawa directly.(20) In its official report, CARE Canada stated that

> ...the strategy is not to promote a 'blueprint' design for local adoption, such as one modeled on Western NGOs for example. Rather, the strategy is to encourage groups to grow and flourish in self-identified ways that seem appropriate in their current situation and indigenous environment.
>
> It is stressed to assisted groups that CARE will be as flexible as possible. It is made clear that their activities are, within reason, according to their own terms. CARE will not pressure an organisation to perform a project or activity that the group does not self-prioritise (CARE 1999: 9).(21)

However, despite CARE Canada's long-term project goal to "help build peace in Northwest Bosnia-Herzegovina," the means identified to accomplish it were all *short-term*.(22) Thus, as of April 1999, CARE Canada no longer operates in BiH, although its efforts have been transferred to Kosovo where it has undertaken another major partnership with CIDA.(23)

Third, in its quarterly reports to CIDA, CARE Canada, as noted above, emphasises its success as an efficient and cost-effective non-profit organisation. The indicators that it predominantly uses are quantitative and descriptive ones rather than qualitative and cognitive ones. For instance, the quantitative measures indicate how many people directly or indirectly benefited; how many women's groups were worked with; how many visits by local doctors, nurses and social workers were made, and so on. Descriptively, the reports refer to efforts such as certain workshops being held to, for example, create personal networks of "capacity building professionals". However, no emphasis was placed on qualitative indicators in CARE Canada's Final Report (1999).

2.3 ICACBR

The War Victims Rehabilitation Project is a cooperative endeavour between the BiH government and the World Bank to facilitate the identification, rehabilitation, and integration of people disabled by the war back into their homes and communities. The contribution of the ICACBR, which is affiliated with Queen's University, is to work with the local authorities, international organizations, health care providers, and the disabled to advance the concepts and practice of Community Based Rehabilitation (CBR). Since ICACBR's involvement in BiH began in 1993, CIDA has provided approximately C$5.5 million.(24)

First, calling into question the mainstream literature's concern with publicly funded NGOs, the CBR program adopted in BiH is multifaceted. The operational difficulties of the term 'linear planning' notwithstanding, ICACBR has assisted in the establishment of CBR centres and trained their personnel; it has provided support and advice for the creation of occupational theory and physical therapy university courses; in order to develop a health policy sensitive to the needs of the disabled, it has worked with the local government, and particularly with the BiH Ministry of Health; and finally, it has provided overall management, logistics, and secretariat support for CBR projects (ICACBR 1999). Moreover, while the ICACBR exhibits the style of organisation that governments supposedly prefer - technical expertise, developed management systems, and cost-efficiency - it is not clear that this is the *result* of ICACBR's association with CIDA. In other words, the *correlation* of these characteristics in both institutions does not necessarily lead to the conclusion that CIDA's preferences *caused* ICACBR to adopt a particular organisational structure.

Second, in contrast to the expectations of the mainstream literature, ICACBR seems to have a relatively high degree of independence from donor influence in terms of defining its values and strategies. Indeed, an important aspect of ICACBR's agenda has been its ongoing public criticism of the limitations of CIDA's six basic principles which ignore the effects of disability in the peacebuilding process (ICACBR 1997).(25) In other words, despite its financial dependence on CIDA, this NGO takes seriously its lobbying and advocacy role.

Finally, in terms of evaluation, ICACBR relies on both qualitative, descriptive, and quantitative measures of its programmes. Qualitatively, student feedback on questionnaires is used to reform university courses; descriptively, techniques are used

to indicate the status of policy discussions with local health officials; and quantitatively, indicators of program output and efficiency have been adopted, including the numbers of centres established; the number of students trained; etc (ICACBR 1999: 16-23). Research and project evaluation are key components of the CBR program, indicated by the existence of 'research' and 'evaluation' groups that have published prolifically in both areas (ICACBR 2000a; ICACBR 2000b).

3. Re-evaluating the Literature - A Way Forward?

Three limitations in the mainstream literature can be drawn from the preceding analysis. First, a number of the critiques of government funding of NGOs have questionable empirical grounding. Despite both CARE Canada and ICACBR receiving a substantial portion of their operational budgets from CIDA, differences in their level of autonomy from the state suggest that 'government funding' alone is not a sufficient explanatory variable. Instead of treating all NGOs as homogenous entities, further *systematic* research is necessary to determine the extent to which factors like size, purpose and institutional affiliation make a difference.

Second, some of the solutions offered for problems that are identified in the mainstream literature, such as with evaluation methods, are not constructive either in theory or practice. Fowler, for instance, argues that the typical 'blueprint' approach is inadequate because it "requires an ability to control all the factors outside of the project that may influence its outcome" (1994: 172). Instead, he suggests that three separate assessments should be made - project *output*, which is the actual activity undertaken by the NGO and can be measured quantitatively; project *outcome*, which is a longer term analysis of the difference that the project actually makes. It too may also be quantifiable, but only after several years' time. Finally, project *impact*, which is an abstract assessment of how the project contributed to the overall well-being of the population (or civil society building etc.) and will include considering other factors such as economic, political, or cultural improvements (Fowler 1994: 173).[(26)]

The difficulty with this suggestion is that it obstructs *any* objective assessment from being made beyond the initial quantifiable determination of output, and to a lesser extent, outcome. The disconnect found between many NGO's ambitious project *goals* (such as to rebuild civil society), and the actual project *activities* (such as to provide funding to a local citizens' group), mean that the causal relationships and the influence of those actions cannot be traced beyond the initial project. This difficulty is further complicated because many NGOs have shown a reluctance to coordinate their activities with others. Given their noted tendency to work at cross purposes with each other (Gagnon 1998), any measurement of a single project's broader contribution is impossible to accurately assess.[(27)]

The final limitation of the mainstream literature, which is ultimately the most damaging, is that it rests on *normative* foundations. Either implicitly or explicitly, NGOs are evaluated against a Weberian 'ideal type' that portrays them as "supplements, complements, alternatives, critics and watchdogs to government" (Smillie/Helmich 1993: 18). As a result, it is assumed that only small, innovative, independent and value-motivated NGOs, i.e. Korten's third sector, have the

potential to be effective. This supposition is problematic not only on empirical grounds but also because, as mentioned above, it calls into question the value of its proposed solutions.

Thus, the solution proposed by Hulme and Edwards to the supposed trade-off between public funding and values, i.e. to become less dependent on government by raising more funds locally (1997: 282), is not currently feasible for three related reasons. First, the availability of private donations to NGOs seems to have already peaked in Canada (Smillie/Helmich 1993: 22); second and subsequently, NGOs' high degree of financial dependency on CIDA suggests that most Canadian NGOs could not continue to operate in any meaningful way without official assistance; and third, as competition for financial resources between NGOs increases, abstaining from public funding poses a collective action problem. More precisely, even though it may be collectively rational for NGOs to reject public funding, it is individually rational for each NGO to 'defect' to ensure that it is not disadvantaged regardless of what other NGOs do.(28)

Correction of this normative bias and its resulting tendency to obscure non-normative explanations can be accomplished by adopting Korten's categorisation of some NGOs as public service contractors (PSCs). According to him, PSCs are "nonprofit organizations that are in the business of selling their services to private contributors or government agencies to implement public purposes as defined by those contributors or agencies" (Korten 1990: 97). In principle, PSCs are driven more by market considerations than by their values, although Korten acknowledges that in practice, many publicly funded NGOs are a hybrid, "combining a strong market orientation with a social commitment and high ethical standards" (1990: 105).(29) Nevertheless, there seems to be a reluctance in the literature to conceptualise NGOs in these terms, despite its prevalence in all other sectors of the domestic economy.

Public service contracting has replaced the provision of many of the public goods that were associated with governments, such as garbage disposal at the municipal level. While traditional public goods theory suggested that the government was the only actor with the incentive and ability to provide public goods, Ostrom et al. (1961) argue that certain public goods can be *provided*, i.e. paid for, by governments, but actually be *produced* by a profit or non-profit organisation. To promote the most efficient provision of these services, governments award contracts on a competitive basis. In the absence of such a contractor, however, governments must provide the good themselves. Among NGOs, public service contracting has become more prevalent because both official aid agencies and NGOs seem to have accepted the assumption in the New Policy Agenda that governments are not necessarily the most efficient *producers* of public goods, although their taxation authority makes them the necessary *providers* of some of them.

Canada has therefore asked the NGO sector to "undertake tasks previously performed by governments, such as the delivery of significant portions of humanitarian and development assistance" (Bush 1996: 253). CIDA's 'country focus' policy for certain public funds entails a PSC approach where the agency solicits proposals from NGOs to implement specific services in other countries. While in practice, NGOs have tended to submit unsolicited proposals which are in line with CIDA's six objectives, these

proposals are still evaluated on a competitive basis (Smillie/Filewod 1993: 110). In other words, even though this process may be initiated by NGOs themselves rather than by CIDA, the outcome of a negotiated contract based on the PSC model remains the same.(30)

Conclusion

In this paper, I have argued that the literature criticizing the ability of NGOs to promote their values while simultaneously accepting government funding is limited in three respects. First, several of the assumptions are empirically inaccurate in the Canadian case; second, some of the policy prescriptions offered are neither theoretically nor practically constructive; and finally, the critiques of the donor-NGO relationship are based on a comparison with an idealistic conception of NGOs that is increasingly being undermined by their competition for private and public sources of funding. I have proposed that this normative bias can be remedied through reconceptualising publicly funded NGOs as being value-oriented public service contractors (Korten 1990).

The advantages of further developing the concept of publicly funded NGOs as PSCs are threefold. First, it is more *accurate empirically* and allows analysts to study current trends - such as the increase in number of NGOs, their competition for limited resources, and their concern with New Policy Agenda themes like cost-effectiveness and efficiency - without being judgmental or dismissive. Second, as an *explanatory tool*, the concept of PSCs can be used to examine how certain contractual terms between NGOs and donors can influence the outcome, as well as to offer new ways of conceptualising perennial problems such as matters of accountability and public participation.(31) Finally, it opens up the NGO literature to the insights of *public goods theory*, which has examined problems associated with collective action, especially its immediate consequences of free-riding and obstacles to coordination (Olson 1965). Since these are not only theoretical issues that the mainstream NGO literature must deal with, but also issues that have practical implications for proposed solutions, it seems that further analysis of the linkage between public service contracting and public goods theory would be prudent.

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Footnotes

1. According to Bush, an NGO is identified by its: (1) formal existence: the organization is institutionalized to some extent; it is formalized in terms of regular meetings, office bearers, and some degree of organizational permanence; (2) private status: the organization is institutionally separate from government, although it may receive some government support; (3) non-profit-distributing modus operandi: while the organization may generate a financial surplus, this does not accrue to the owners or directors; (4) self-governing administration: able and equipped to control and manage its own activities; and (5) voluntary character: there is some meaningful degree of voluntary participation in the conduct or management of the organization. This does not mean that all or most of the income of an organization must come from voluntary contributions or that most of its staff must be volunteers (Bush 1996: 267-8).

2. More precisely, the New Policy Agenda refers to the dual emphasis by governments on the promotion of free market principles on the one hand, and liberal democracy on the other, as the tools best suited for 'efficiently' creating civil society. This doctrine prescribes that governments are ill-equipped to directly intervene to bring about positive social change, but rather should 'enable' non-governmental groups to do so.

3. As will be discussed below, these include inter alia an NGO Division, as well as a new evaluation framework and institutional funding strategy.

4. Referring to wars as 'complex emergencies' recognizes the multidimensional nature of conflict, i.e. "the interwoven results of war, politics, economics, famine and often refugees" (Bennett 1995: xiii).

5. This terminology was coined by Korten (1990) to differentiate between government (first sector), business (second sector), and voluntary organizations (third sector). He argues that while these sectors are complementary and mutually dependent, each has its own 'comparative advantage' and is motivated by different factors (e.g. power, wealth, values).

6. Others frame the contribution of NGOs in a slightly different way. For instance, Bush argues that NGOs are ideally suited for peacebuilding tasks since they "typically occupy a strategically pivotal position in conflict situations, located as they are between societal and state actors" (1996: 254).

7. Writing about World Vision International, Commins argues that "it is possible to be operationally accountable to governments in terms of the use of funds and yet remain accountable to low income communities where the NGO is carrying out programmes" (1997: 143). Furthermore, Wils (1994: 75) argues that there is "not necessarily a trade-off between scale and effectiveness. This applies both to the social and political effects of large-scale programs and organizations, especially big NGOs that combine multiplier and access strategies [i.e. scaling up through the creation of NGO networks and community groups] with empowerment."

8. CARE Canada and ICACBR have been chosen to contrast a relatively 'large' and a 'small' NGO, distinguished by the total number of personnel, annual expenditures, the number of countries in which the NGO is active, and whether or not it is part of a larger organizational infrastructure. Thus, while CARE Canada has 52 employees and is operational in 14 countries, ICACBR has 15 employees and is operational in 11 countries. Furthermore, CARE Canada is one of several national branches beneath CARE International, whereas ICACBR is a Canadian NGO. A final difference is that CARE Canada does not have a large research and advocacy role, whereas ICACBR is affiliated with a university research institution (Queen's University) and has advocacy as one of its explicit objectives.

9. This literature review relies heavily on literature examining NGOs in development since this material is more theoretically advanced and accessible than material on peacebuilding. However, when applied to post-war reconstruction and peacebuilding, the principles at work in development seem virtually identical. To the extent that they are not, examining them in the context of peacebuilding cases can encourage useful reformulations and insights into the two processes. Furthermore, several of the articles examined in this paper originated in one of two volumes edited by Hulme and Edwards (1994; 1997) since this collection is one of the most comprehensive examining the relationship between donors and NGOs.

10. Fowler (1994) proposes an alternative 'stakeholder model' for evaluating NGOs. This model is based on subjective and contextual evaluation by participants at various levels in the organization (which may include other contracts with different NGOs and donors) which answer broad questions rather than seek a universal answer through standard responses. These perspectives would be used as a basis to reach compromises on differences of opinion, and to be ultimately reviewed by an independent observer according to preordained standards.

11. According to Hulme and Edwards (1997: 8), "[t]he acceptance of increasing volumes of foreign aid involves entering into agreements about what is done, and how it is to be reported and accounted for. This fosters an emphasis on certain forms of activity at the expense of others...."

12. CIDA defines peacebuilding as: "the effort to strengthen the prospects for internal peace and decrease the likelihood of violent conflict. The overarching goal of peacebuilding is to enhance the indigenous capacity of a society to manage conflict without violence. Ultimately, peacebuilding aims at building human security, a concept which includes democratic governance, human rights, rule of law, sustainable development, equitable access to resources, and environmental security" (CIDA 1999).

13. For instance, Britain tends to provide less than 50 percent government support for its NGOs, whereas Sweden and Norway which have among the highest donor funding levels, will provide between 80 and 100 percent matching rates. Moreover, Canada is one of the few OECD countries which considers academic and research institutions to be non-governmental organizations eligible for funding. These institutions are not considered to be 'fund-raisers' in the same way that other NGOs are, which means that the matching and other funding formulae often do not apply (Smillie/Filewod 1993: 108).

14. While institutional funding seems to deal with the linear thinking critique, Smillie argues that it raises other problems, namely that it is "a step backward from the concept of NGOs as independent expressions of civil society" because this policy allows CIDA to scrutinise the entire NGO, i.e. its structure, management, programs, policies, and attitudes (1994: 192.).

15. It seems that men – to the extent that they are not seniors, disabled, or youths – are not explicitly addressed in either CIDA's or CARE Canada's mandates.

16. Examining the extent to which this claim is justified is beyond the scope of my paper. For my purposes, what is important is the reaction that the two NGOs under investigation have to the RBM policy, which has been determined on the basis of their official reports to CIDA.

17. CIDA also allocated C$44,000 to CARE Canada for distributing Canadian-supplied paper among educational and cultural groups in Sarajevo; and a further C$3.5 million for a reconstruction plan.

18. CARE's cost-efficiency was emphasized on the basis that it was under budget in one area and thus able to prolong its mission; and its effectiveness was stressed in the context of successful handovers in a timely manner to established civil society groups that it had helped create.

19. For instance, in the REACH II project, CARE Canada states that the "majority of the staff and beneficiaries of this project are women" (1998).

20. According to Wils (1994: 76), even though they may accept large grants from official aid agencies, large NGOs are often very influential: "bigger NGOs have a significant degree of bargaining power, precisely because of their absorptive capacity and because they have succeeded in developing viable alternatives in service provision or economic support to the poor."

21. In their general comments about NGO activities in BiH, both Gagnon (1998) and Demichelis (1998) argue that the most effective ones are precisely those that allow the local communities to define their own problems and solutions. However, Gagnon in particular, stresses that the sustainability of these projects depends on a long term and integrative approach.

22. These included two medium scale reconstruction projects; four small-scale reconstruction projects; and strengthening at least four local groups of civil society through technical and/or financial support (CARE 1999: 1).

23. One of the reasons why CARE Canada was able to receive donor funds from CIDA so quickly was that it is one of 40 NGOs which has gone through a pre-screening process and is eligible for CIDA's International Humanitarian Aid Program (IHAP), which provides up to C$500,000 for immediate relief efforts.

24. While this analysis will focus on ICACBR's efforts in BiH, team members have worked on projects in the Asia-Pacific region, North and South America, Central and Eastern Europe, and Africa including such conflict zones such as Afghanistan, Cambodia, Croatia, Mozambique, and Sri Lanka. Similar CBR projects in Russia and Kosovo have been adopted as well.

25. In its Foreign Policy Paper, the ICACBR states that "...divergent priority accorded to disability issues...is ultimately reflected at the funding level: the recent CIDA Strategy for Health discussion paper fails to mention disability. We contend that technical assistance, development, emergency humanitarian, as well as peace building and development research priorities must also reflect the disability dimension" (ICACBR 1997: 56).

26. An illustration of the increasing levels of abstraction in this model would be: Suppose that following a war, illness and death are increasing among a population in a refugee camp. One reason given for this is the lack of potable water. To remedy this situation, an NGO undertakes to provide water purification systems for the refugee camp. The project output would include the number and cost of the purifiers built in the area; the project outcome would be the amount of clean water used over time by the inhabitants of the camp; the project impact, however, would be the number of lives saved and illnesses prevented, which would not be simply a result of the fresh water, but would also include access to clean sanitation and medicine as well as the broader realms of sufficient nourishment, and the development of economic and political stability.

27. Besides implying a static conception of the 'ideal' NGO, these arguments imply a static conception of the most conducive policies for development. In other words, it seems as if the puzzle has been solved already, and the government way of operating is never going to be appropriate.

28. This is a classic prisoner's dilemma situation.

29. Not everyone is supportive of the PSC approach. Bush, for instance, criticises the 'commercial model' of hiring a private for-profit firm to clear landmines because it involves: "highly trained and expensive experts (often from the same companies who manufacture the landmines) who are bungeed in and out of an area. In this model there is little, if any, dissemination of technical expertise; it is extremely expensive; and it is not especially cost-effective in terms of the number of mines cleared.

Approaches which encourage participation are likely to be more sustainable and effective in the long run" (1996: 258).

30. ICACBR's contract to provide services in BiH illustrates this process, since its participation followed a visit by a DFAIT team to the area in 1993.

31. For instance, the concern with 'downward' accountability highlighted in the mainstream NGO literature may be remedied by the contractual guidelines between donors and NGOs.

Establishing Human Security from the Ashes of War-torn El Salvador[1]

by

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Introduction

In some places in the world, the only 'reality' people have known for a lifetime has been enshrouded in fear and violence. Military and brute strength were used instead of laws and democracy to give ruling powers *legitimacy*. Innocent people were victimized instead of being protected by their own government. In El Salvador, these conditions eventually degenerated into a 12-year civil war. Several actors, both inside and outside El Salvador, influenced the evolution and protection of this internal dispute.

This paper will consider the influence of foreign intervention in the transition of El Salvador from a conflict-torn society disillusioned by 12-years of civil war into a peaceful stable state that strives to provide human security for its citizens.[2] By looking at the catalysts, instruments, constraints, and possibilities in El Salvador in separate sections, the essay will reveal some of the challenges to the shift of society from a *legacy of fear* to a *legacy of peace*. It is important to understand the strategy behind using *fear* and threats of violence -- particularly in the form of extreme human rights abuse -- as a means to instil obedience and cooperation by the political elite. What is the relationship between *fear* and the promotion or prevention of conflict? Ultimately, this essay will examine the impact of foreign involvement in enhancing and undermining El Salvador's ability to build long-term peace and stability.

More specifically, section one will briefly examine the catalysts of fear and conflict -- with particular reference to human rights violations -- and its impact on the institutionalization of fear. Section two will examine El Salvador's history to understand why certain instruments of violence were used, and to provide background on the country's bloody struggle for a legitimate democracy. The third section will address the constraints and challenges, and impact of foreign intervention from the United States, the United Nations and the Truth Commission in pursuit of the establishment of a *legacy of peace*, and the formation of a legitimate democracy.

The term '*legacy of fear*' is used to emphasize the impact of the war on El Salvadorans' livelihoods for over twelve years. It is a conflict that used fear and violence as tools of war to infiltrate into every part of society. Through military led massacres, countless 'disappearances', and an atrocious human rights record, silence and obedience became a choice of survival, instead of will. Fear is rooted in violence, among other tactics of coercion. Both became effective, yet inhumane, ways to coerce compliance. Alternatively, a *legacy of peace* is an ambitious goal, which represents a long-term goal of stability and human security.

Catalyst -- Fear and Conflict

The first section will consider the relationship between fear and conflict. More specifically, I will consider the use of human rights violations as a means to institutionalize fear within society and to maintain an oppressive status quo, using references to experiences in Latin America.

Why are human rights violations used as an instrument in maintaining political power? In El Salvador, two hundred identified peasants in the town of El Mozote were brutally murdered by the death squad, due to suspicions that they supported the resistance movement. Any organization that was in a position to promote opposing ideas that questioned the official policy of the government was automatically labelled as working for the guerrillas and ran the risk of 'elimination.' (Planchart, 1993: 44) Yet surprisingly enough, of the 117 remains examined in El Mozote, 85 percent belonged to children under the age of twelve. (Torres-Rivas, 1994:25) This evidence demonstrates how the soldiers indiscriminately murdered, regardless of age or sex.

In Chile during the military takeover, security forces took over 7,000 people from their homes and streets and brutally murdered and tortured them. (Cleary, 1997:2) In San Paulo Brazil, 1,171 people died during 'confrontations with the police.' (Caldeira, 1996:198) Between 1978-1985 in Guatemala, government forces and death squads arbitrarily executed approximately 50,000 to 70,000 people. (North, 1990: 42) How can thousands of unexplainable 'disappearances' and mass murders be justified or explained? Why do those holding political, military, and economic power choose violence to maintain 'political stability'? Is this a means of maintaining status quo, or a strategy to prevent the evolution of 'democracy'? What relevance does this have to the relationship between fear and conflict?

Underlying these questions of human rights violations is one common variable: a national governmental structure and political system that creates or permits this type of abuse to occur. Generally speaking, these political systems use violence to maintain order, and suppress opposition. It is a type of violence that preys upon the insecurities and fear of its victims, and in essence institutionalizes fear.

Fear, anxiety, anguish terror, panic, fright and horror are some responses to the perception of clear or undefined danger. Salimovich asserts that a situation is perceived as dangerous when the individual becomes aware of the magnitude of a threat and of his or her own powerlessness to confront it. (Salimovich, 1992:73)

Political repression uses fear to provoke specific behaviours, including helplessness and submission. It is a fear that can become permanent, particularly when it is perceived as life threatening, as with human rights violations. It can affect emotional stability and psychic functioning, and thus generates specific psychopathological processes. (Salimovich, 1992:74)

In turn, fear becomes institutionalized in both the societal and governmental structures through the abuse of political and military power. It also generates psychological responses within each individual, which can be classified into three groups. First, a sense of personal weakness and vulnerability emerges in the face of a life-threatening situation. Individuals perceive themselves to be 'labelled' or 'persecuted;' feelings which place them at the mercy of arbitrary events beyond their control. Second, people endlessly remain in a permanent state of alert, due to their perception of the situation as life threatening. Third, feelings of powerlessness, helplessness and defencelessness result from the perception that their own resources are useless in the face of adversities. (Salimovich, 1992:75)

Insecurities cause fear and a sense of vulnerability, just as terrorism preys on the vulnerable in order to instil insecurity, terror and obedience. Meanwhile, repression disrupts social practices and fragments social relations. At the early stage of individual repression, the use of threats is linked to two fundamental conditions: to be significant, the threats must impinge on what the individual values, and to be effective, they must subjectively and symbolically affect a large number of people. (Salimovich, 1992:76) The *silencing* effect of the death squads and disappearances on the populace clearly demonstrates this point. In addition, laws and efforts to prohibit individuals from gathering in groups and organizations contribute to the creation of fear.

Thus, fear becomes institutionalized at every level.[(3)] Patricia Politzer eloquently depicts this feeling of helplessness felt during the Pinochet dictatorship in *Fear in Chile: Lives under* Pinochet:

> The dictatorship is still here. It is present day after day, year after year, invading even our most intimate moments. It affects not only those who suffer cruelty or censorship directly but also those who are indifferent to dictatorship, and even those who support and justify it; because they too are caught in a system that determines what we can and cannot do, what we think, what we create, what we dream, and what we suppress." (Patricia Politzer 1989 cited in Fagen, 1992:39).

The history of El Salvador described in the next section will demonstrate how the legacy of fear can become institutionalized and normalized into daily life. Silence becomes 'normalized,' abuse a typical conflict averting mechanism, as the *legacy of fear* continues.

Instruments -- History and the Institutionalization of Fear & Violence

This section will consider aspects within El Salvadoran history prior to the civil war that made the *legacy of fear* a 'normative'[(4)] part of socialization. The quest for peace

in El Salvador seems to be related strongly to the pursuit of democracy. Thus, this section will delve into El Salvador's history by examining the evolution of democracy -- or lack thereof -- and the use of fear and violence through human rights violations, as a strategy to undermine this process. First, I will briefly look at the root factors impeding the development of democracy in El Salvador.

Second, I will provide a historical account of El Salvador, which will demonstrate how its endemic structural violence developed, and the legacy of fear began. I will structure my description of the country's history using Rupesinghe's analysis of the *Continuum of Peace and Conflict.* (Rupesinghe, 1998:60) It will reveal the direct linkage between the dominance of the military and economic elites in the political arena, the submission and oppression of the poor majority, conditions that inadvertently prevented the establishment of a 'legitimate' and representative democracy. The evolution of civil resistance, and the 12-year civil war which ensued, will also be discussed within this framework. Third, I will reflect upon the significance of this process in maintaining El Salvador's *legacy of fear.*

Establishing Democracy

Torres-Rivas defines democracy as, a "societal process through which all human rights are realized." It is an interesting definition that focuses 'democracy' on the well-being and respect of people, and not solely on public policy and political process. Basic human rights include: civil, political, gender, social, economic and cultural rights. (Torres-Rivas, 1994: 9) He discusses three fundamental variables causing the 'political crisis' in El Salvador: 1) the systematic exclusion caused by modernization, which leads to 2) poverty and 3) social inequities. Asymmetric modernization systematically generates a peasant proletarianization that only leads to greater poverty. (Torres-Rivas, 1994: 11) While social inequities alone do not explain the resulting violence, it is a variable in prompting change, which has the potential to lead to conflict. In asymmetric conditions where elites dominate the political, economic, social and judicial power, violence may be used to both deter opposition through terrorism and human rights violations, and in some cases, armed conflict may be perceived as the only way to express opposition to the system by the oppressed. (Rupesinghe, 1998:30)

The security force in El Salvador had a prevailing philosophy, which was often repeated by the Salvadoran National Guard: "Authority that does not abuse loses its prestige." (Christian, 1986:94) This 'philosophy' is evident in the history of brutalities committed by military, paramilitary and death squads.

The absence of democracy created an environment where human rights violations were undermined, as citizens motivated by *fear* for their lives and those they loved maintained the *status quo* through silence. It was the extremity of inequities and abuse that finally led to the peasant revolt in 1932, where General Maximiliano Hernàndez Martínez suppressed the uprising by killing 7,000-30,000 people (number varies depending on source), most of which were of indigenous origin. After this bloodbath, began a period of modernization and military rule. (Christian, 1986: 94)

Endemic Structural Violence

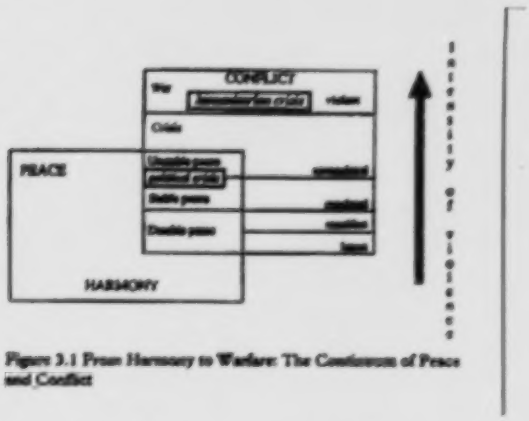

Figure 3.1 From Harmony to Warfare: The Continuum of Peace and Conflict

In Rupesinghe's description of the Continuum of Peace and Conflict, he identifies five stages of conflict and hostility that can exists between parties. He also recognizes that in reality there are no clear demarcations between various stages of conflict. (Rupesinghe, 1998: 63) Rather, his *Continuum of Conflict* analogy provides a useful framework to examine El Salvador's history. As the diagram indicates, the first and most ideal stage is *durable peace*, where societies exist in complete peace and harmony, without any social tensions or conflicts. The ruling elite have political legitimacy, and values and interests are sought within a legitimate framework. Conflicts of interest exist, but do not degenerate into violence, and the intensity of hostility and aggression between parties is not high. (Rupesinghe, 1998:61) This scenario would be an *ideal* target for El Salvador to pursue, in its struggle towards establishing stability and a *legacy of peace.* However, given El Salvador's long history of military based political power and its present conditions, reaching this stage will be a long and ambitious process. Ever since its independence from Spain in 1821, El Salvador "has almost always been governed by men whose right to power was based on guns." (Torres-Rivas, 1994:11)

The second stage described by Rupesinghe is *stable peace.* In this instance, levels of hostility are higher; groups are mutually distrustful of each other, yet a state of stable peace exists. However, a political crisis may cause tensions to rise, and extremist or marginal political movements to appear, which emphasizes the differences between groups. The relationship between the ruling political elite and opposition groups may become more laden. Small degrees of violence and oppression can occur, but the rule of law remains and is still respected by all sides. (Rupesinghe, 1998:61)

The third stage in the Continuum of Conflict is a state of *unstable peace.* This occurs when communication between parties diminishes, suspicions and tensions mount, and essentially there is nothing to guarantee peace. Rupesinghe asserts that unstable peace may occur when a government maintains power through the blatant use of coercion and repression, and outlaws any form of dissent. (Rupesinghe, 1998:61) In some circumstances, groups become increasingly isolated and disengaged. Mutual intimidation or repression of the weak by the stronger becomes more widespread. (Rupesinghe, 1998:62)

From the end of the nineteenth century, one could argue that on the surface, *stable peace* appeared to exist in El Salvador. The normalization of social exclusion and mass inequities was naturalized into the working and traditional culture, which, some historians claim, was accepted as unquestionable fact. It was part of a social order based on *hacienda terranteniente* (land owners), characterized by servile labour and a culture that openly condoned social and racial discrimination. (Torres-Rivas, 1994:12)

Normalization and naturalization of social conditions does not make them inherently valuable. One must question whether the peasant majority truly 'respected' the rule of law dictated by landowners and elites, or whether they had any other alternatives from which to choose. The historical roots of conflict were created when peasant lands were first seized for coffee planting in the late nineteenth century. (Fish, 1988: 9) Over time, as El Salvador increased its export economy, peasant land was confiscated, labour-intensive local farming was converted to mechanized-based export crops, and thousands of landless and unskilled people were left homeless with few alternatives.

Does this sound like a situation in which the majority willingly accepted their lot in life? Thus, in reality, this point in El Salvadoran history should be classified in the third stage of the Continuum, *unstable peace*. Yet, despite the unhappiness of the majority, social exclusion was normalized and institutionalized to such a degree, that there was little capacity, or visible opposition to the system.

The fourth stage in Rupesinghe's Continuum of Conflict is the *crisis-low-intensity conflict*. This crisis point occurs when rival groups or dissidents take up arms and engage in physical hostilities. The conflict is limited to a particular group or specified region. Extra-judicial killings, rebel attacks, torture and subjugation are common occurrences, but are considered 'low-intensity' because it has little impact on the country as a whole. It is the beginning of a humanitarian crisis, when private militias form, massacres occur and people begin to flee their homes. Security forces take on political power with increasing immunity, as law and order erodes. (Rupesinghe, 1998:62)

The peasant revolution in 1932 -- led by Farabundo Martí, one of the first Communists in Central America -- was a turning point in the use of government-sponsored terror and military rule [5] (Christian, 1986:94). The catastrophic drop in coffee prices caused by the global depression motivated the uprising. At first, 4,000 unarmed peasants and farm workers were killed during a peaceful demonstration. Then, as a lesson, the army brutally killed more than 30,000 people, which was later known as "La Matanza" massacre. By the end of the mass murders, 4 percent of the population was killed, the opposing Salvadoran Communist Party (PCS) was annihilated, and the indigenous population was forced to abandon their native dress, language and cultural activities. (Gettleman, 1986: 52)

After the massacre, social exclusion became implemented through violence, and was supported by the state and through the legitimating force of tradition. The backwardness of the peasants and the 'invisibleness' of the masses, the lack of any form of organization, and the passiveness of the terrorized population supported this

condition. 'Guardias blancas' (white guards deployed by the *terratenientes* [landowners]) and the Salvadoran Army were jointly responsible for the repressive activities. (Torres-Rivas, 1994:13)

In addition, a series of military dictatorships began in the 1930's, and lasted for about fifty years; the longest military rule in Latin America. (Fish, 1988:9) The army had made an informal agreement with the "landed rich" (often referred to as coffee oligarchy), in which an "unwritten pact to use and abuse each other for mutual benefit." (Christian, 1986:96) The elite would exchange 'donations' to the army (such as in the form of percentages of harvests) for the ability to influence the political decision making process.

During the late 1940's, the Army organized a formal party through which it governed the country. Social exclusion was guaranteed by growing political violence and a reign of state terror, which was enforced wherever the population found opportunities for overcoming social exclusion. (Torres-Rivas, 1994:13)

Progressive sectors of the Salvadoran military and opposition political leadership united to organize a civil-military junta, which began to develop in the rapid growth years of the 1950s and 1960s. In 1950, elite groups formed the Party of National Conciliation. (North, 1990:73) The system relied upon senior army officials for leadership and presidential candidates. Officially, competing parties were not prohibited, elections were called every five years, and a national assembly was established. However, if the National Coalition party did not win the elections, the military stuffed the ballot boxes to ensure their victory. The party thus attained and held power behind a facade of legitimacy. (Christian, 1986:95) With the dominance and increasing immunity of the ruling military, El Salvador fits accordingly in the fourth stage of the Continuum of Conflict.

The 1970's marked a period of socio-economic transitions, and the emergence of popular struggles for participation in Latin America. Social exclusion became more visible, and greater threats were posed on the elite hierarchical structure of society and political culture. The Salvadoran majority finally began to question and de-legitimize the power of the state. Yet, exclusion continued to occur, through severe socio-economic polarization and a mutually reinforcing authoritarian relationship based on political domination and subordination. (Torres-Rivas, 1994:14)

Several civilian and guerrilla groups were formed during the 1970's, but were initially divided by differing political interests and goals. However, the government's repression led to the solidification of the links between popular organizations and guerrilla groups. (Leiken, 1986:191) In April 1980, the Democratic Revolutionary Front (FDR) was created. The civilian coalition was composed of 80 percent of the trade unions, church people, professionals, students, small-business people and the National and Catholic universities. It was the largest political movement in El Salvador's history. (Gettleman, 1986:56)

In November 1980 the Farabundo Martí National Liberation Front (FMLN) was officially formed. It became the political-military arm of the Democratic

Revolutionary Front (FDR), and brought together four Marxist and a Leninist group: Popular Liberation Forces, National Resistance, Central American Workers' Party, the Communist Party, plus the People's Revolutionary Army. The unified guerrilla force consisted of approximately 6,000-8,000 people. (LeMoyne, 1989: 105) They were considered the best trained, best organized, and most committed Marxist-Leninist movement ever seen in Latin America. (LeMoyne, 1989: 106) According to statistics published in 1989, the FMLN had about 50,000 committed supporters, and perhaps up to 10% sympathy from a population of over five million Salvadoran. Evidently, the majority of Salvadoran did not support them. (LeMoyne, 1989: 114) Their guerrilla strategy was based on sabotage, terrorism, military attack, and negotiation. (LeMoyne, 1989:116)

Inequities, human rights violations, military abuse, and social exclusion continued to worsen over time. By 1980, El Salvadorans were mobilized, and prepared to fight for revolutionary changes in the corrupt system, which were long overdue. The result led to stage five on the Continuum of Conflict: civil war.

Rupesinghe specifically defines the fifth stage as 'civil war -- high-intensity conflict.' This is characterized by the emergence of high-intensity or full-scale civil war. The entire population may be become polarized along group lines, while countless others are displaced by the violence and destruction of their homes, and the economy reaches a breaking point. Militias, rebels and death squads are unrestricted by any pre-existing laws or regulations. (Rupesinghe, 1998:63)

In El Salvador's situation, the twelve-year civil war that lasted from 1981 to 1992, demonstrated the degree of social, political, ideological and cultural polarization that deeply divided the country. Torres-Rivas asserts, "the struggle against the FMLN was a war against part of El Salvador's society." (Torres-Rivas, 1994:16) The Army killed more civilians than guerrillas, and more people died as a result of political repression than in actual fighting. As characteristics from the fifth stage indicate, the war resulted from a long history characterized by social exclusion maintained by force. It was a war fraught with inhumane massacres, incidences of torture, oppression, and countless human rights violations.

By the end of the civil war, over 75,000 civilians and combatants were killed; economic development had regressed to levels found in the 1960's. The war destroyed crops, communication, transport infrastructures, and other essential components of agrarian and export economies. In addition, approximately 555,000 (more than 10 percent of the population) were relocated internally, while close to the same number escaped the country to the US or elsewhere in Central America. (Hampson, 1996:132)

Foreign Intervention

Three types of foreign intervention in El Salvador will be considered, involving catalysts for conflict, dispute mediation, the search for truth and justice. Each intervention played a distinct role in the country's transition from a *legacy of fear* to a *legacy of fear*. Some actions aided in the perpetuation of violence, while others worked towards establishing stability. Specifically, first, I will explore the significance

of US involvement in El Salvador as a catalyst for military activity. It will consider the impact of changing US foreign policy directives on the civil war in El Salvador, beginning with the Reagan Administration's goal of containing the expansion of communism, to the post-Cold War era where interest in military involvement in the country diminished. US military and humanitarian aid were key instruments used to maximize its foreign policy interests.

Second, I will examine the involvement of the United Nations in the peace process. At a point where El Salvador was 'ripe' for resolution, pressures and conflict mediation assistance -- from the UN and its neighbours in the region -- played a significant role in the eventual establishment of peace. It was an international effort to encourage the transformation of a *legacy of fear to peace.* Third, the paper will consider the effectiveness of the Truth Commission in El Salvador as a tool for the promotion of peace and justice.

US Involvement

In the examination of the United States' historic involvement with El Salvador, one must not only question how it impacted the civil war, but also why. This section will examine US intervention in relation to its evolving foreign policy interest, which changed significantly during the pre- and post-Cold War era.

During the Cold War, the Third World was the host of many protracted proxy wars, where superpower interests prolonged civil conflicts through military and financial aid. The civil war in El Salvador itself was a proxy affair only in a limited sense. It had roots in a domestic insurgency unprovoked from the outside. Thus, internal conditions had to change before settlement could ever be reached. (Hampson, 1996:136)

One of Reagan's key justifications for military support in El Salvador was to prevent the spread of communism, both globally and particularly in Latin America. The Reagan administration perceived that the deterioration of its position in the hemisphere had created serious new vulnerabilities where none previously existed; which implied the possible of threat of defending itself against a ring of Soviet bases on and around its southern and eastern borders. (Downie, 1998:131) Aside from its strategic value, Jeane Kirkpatrick -- the US Ambassador to the United Nations -- also expressed concern over the US's overall dominate economic position in the hemisphere, even though in El Salvador itself, US investments were relatively small-scale. (Fish, 1988:13)

As a result of this attitude, within the span of twelve-year war, the El Salvador received $4 billion of US aid to help in the counterinsurgency effort against the FMLN, which was sufficient in preventing the government from being overthrown. (Downie, 1998: 129)

Despite the Salvadoran army's horrible record of human rights violations and 'undemocratic' actions, the Reagan Administration believed that this military-based government was preferable to communist rule. Jeane Kirkpatrick, the US Ambassador to the United Nations stated in 1979, stated that "[t]raditional authoritarian

governments... are more compatible with US interests." (Fish, 1988:13) Then, in 1989 she wrote:

> Although there is no instance of a revolutionary 'socialist' or Communist society being democratized, right-wing autocracies do sometimes evolve into democracies -- given time, propitious economic, social and political circumstances, talented leaders, and a strong indigenous demand for representative government. (Kirkpatrick, 1986:21)

To reiterate, both statements demonstrate the US' support for 'right-wing autocracies' over communism. In the eyes of foreign policy interests, it legitimized intervention. The comments imply that with US 'guidance' and assistance, El Salvador could eventually establish a legitimate, democratized government. Yet, with constant cuts to social services, resulting in increased social unrest, and the use of violence as a 'political solution', how could such a policy be implemented?

Once in office, Reagan initiated a massive aid campaign. It placed great emphasis on Central America as "a political struggle between Communism and the free democratic West, and as a testing ground for East-West competition in the Third World." (Downie, 1998:131)

Meanwhile, other literature describes US support of El Salvador in a more positive light, where its motive for involvement was rooted in the establishment of a constitutional democracy in five major interrelated areas. (Fishel, 1998:48) This perspective emphasizes that the primary security interests and ideals of the US were best served by helping the Salvadoran to create a functioning constitutional democracy and to create a more just and prosperous society. Specifically, the US supported efforts to: 1) create political institutions and attitudes essential for lasting and constitutional democracy; 2) reduce human rights abuse and improve the justice system; 3) foster economic growth and development, create jobs, and redistribute wealth more fairly; 4) seek peace through dialogue, negotiation while successfully conducting the war; and 5) help establish peace and democracy in all of Central America. (Fishel, 1998:49) However, United States' action and inaction towards the blatant human rights abuse occurring throughout the war indicates something different.

US military support began in 1980 when it loaned $20 million to the El Salvadoran government. (Gettleman, 1986:57) Its original goal was to defeat FMLN rebel forces, and eliminate the insurgency, something they never managed to accomplish. (Downie, 1998:130) US military assistance came in various forms, including the provision of modern high-tech weapons and equipment; training in US military bases around the world to improve their defensive and offensive strategies; extensive loans and military sales credits for weapons and artillery purchases; and expert of US military advise.

However, in the United States' quest for democracy and assistance in counterinsurgencies, it helped keep in power El Salvador's abusive and oppressive government. In efforts to legitimize US support in El Salvador and overcome Congressional objections, an election was deemed as the public relations 'solution.' But, given the political state of the country, any potential candidate even moderately

left would have faced a high risk of assassination in running. Thus, in 1984 the CIA pumped $1 million into the presidential campaign of José Napoleón Duarte, the leader of the Christian Democratic Party (PDC), and the only 'suitable' candidate for US interests. During his five years in power, 30,000 - 50,000 people were murdered. (Fish, 1988:16)

This was the same man that was tortured and exiled himself in 1972, which later returned President of the fourth civilian-military junta in December 1980. (Gettleman, 1988: 57) From December 1980 to May 1982, it was the period of greatest violence in the recent history of the country. It was a time when over 1,000 civilians a month were slaughtered by the government and para-government forces: an era in which the death-squads truly ruled the country. (Fish, 1988:18)

After both elections, the PDC became wholly dependent on Washington, both to pay its bills and to keep its opposition at bay. (Fish, 1988:16) In 1981 President Duarte requested that the US assist the Salvadoran High Command to develop a comprehensive national strategy. General Fred F. Woerner and his seven-person team were given two months to study the military situation, determine the requirements for US security assistance, and work with the Salvadoran High Command to develop a comprehensive strategy. (Downie, 1998:132)

Originally, the goal was to draft a comprehensive political, military and economic plan. However, all of the limited time and resources were used to develop a national military strategy. Without any background research prior to arriving in the country, nor any knowledge of El Salvador's established political objectives, the Team made many assumptions, and created a report that focused primarily on military concerns. The report did not address other facets of counterinsurgency dealing with social and economic reforms, reinforcement of democratic institutions, or the improvement of government services and civic action. It focused primarily on fighting the insurgency. (Downie, 1998:132) In the end, this report served as a blueprint for US military security assistance effort to equip, train and modernize the El Salvadoran Armed Force (ESAF) for five years. (Downie, 1998:133)

Two weeks after his inauguration in 1984, Duarte admitted in an interview:

> Aid is given under such conditions that its use is really decided by the Americans and not by us. Decisions like how many planes or helicopters we buy, how we spend our money... all of that... is decided by the ones who gives the money. And all of the money is spent over there. We never even see a penny of it, because everything arrives here already paid for. (Duarte cited in Fish, 1988:20)

This statement demonstrates that the El Salvadoran government and military were not the only ones responsible for the institutionalization of fear. Without foreign assistance and *guidance* from the United States, one must question how long the civil war would have lasted, to what extent the violence would have diminished, and whether warring parties might have initiated a resolution sooner.

From 1985 to1989, there was a period of sustained stalemate in the battlefield. Ongoing cases of human rights violations eventually changed US policy towards El Salvador, and it finally become a top priority issue. Yet, the ESAF continued to commit violations despite US military assistance, aid, and pressure to reform. (Downie, 1998:140) With the prospects of revolution diminishing, the guerrillas began to propose a negotiated settlement to the conflict. However, the Reagan Administration refused to allow its allies to engage in the negotiations. An outright military defeat of FDR-FMLN was the only acceptable goal the US would back. With the US and Salvadoran military still envisioning the possibility of winning the war, the option of negotiation never materialized. (Munck, 1995: 169)

Military aid dropped during the Bush Administration. The murder of four Jesuit priests in 1989 prompted the Administration to threaten to cut off its military assistance, due to the government's cover up and failure to prosecute the ESAF soldiers responsible. (Hampson, 1996:136)

After the fall of the Berlin wall in 1989, FMLN support from its Communist allies -- Soviet Union, Cuba and Nicaragua -- was drastically cut. The fall of the Soviet Union and communism in Eastern Europe dealt a major blow to the insurgency. Without assistance in Cuba from the Soviet Union, Cuba was forced to reduce its support for foreign insurgents, due to its own increasing vulnerabilities. (Fishel, 1998:48)

In turn, the United States became less concerned over the possible insurgency over the El Salvadoran government. Instead, both the US and Soviet Union sought to end the proxy wars in Central America. The US goal for El Salvador became the "achievement of a situation in which all parties could represent themselves in a democratic process." (Downie, 1998:140) As the FMLN lost support from its former allies, it was simultaneously becoming more cooperative with the UN Observer Mission in El Salvador, the El Salvadoran and US government. (Fishel, 1998:48) Formal peace talks began in 1990, with the UN as the mediator, as the next section will describe. While the United States was strongly supportive of UN actions, it was not directly involved in the negotiations, and did not offer any mediated solutions. (Hampson, 1996:135)

In essence, despite globally renowned human rights offences, US intervention kept this oppressive government in power. Foreign policy interests in protecting the United States' sphere of influence superseded the protection of those in most dire need of assistance: the impoverished and the 'silenced'. It perpetuated the *legacy of violence* through its reliance on military solutions, and its negligence of social issues fundamentally fuelling public unrest. But, without the looming threat of the Cold War, would the United States have been compelled to intervene for the mere sake of the defence of human rights, at the expense of infringement upon a state's sovereignty? The apprehensiveness of the international community to involve themselves in the Rwandan genocide sadly demonstrates the complexity of the issue. How long would the civil war in El Salvador have lasted without US intervention? Would the FMLN and El Salvadoran government have been more cooperative and open to negotiation if left alone? Was the pursuit of 'democracy' a smokescreen for a self-interested US foreign policy?

These are several difficult questions to reflect upon in order to learn from the costs and benefits of foreign intervention in El Salvador, in the hope that it will prevent the darkest parts of history from repeating itself at another time in another place.

UN Peace Process

By 1989, El Salvador was 'ripe for resolution.' On January 31, 1990, President Alfredo Cristiani of the National Republican Alliance Party (ARENA) formally asked the UN Secretary General to assist in the initiation of peace talks with FMLN, using the 'Procedures for the Establishment of a Firm and Lasting Peace in Central America,' which had been signed by the Central American presidents at the Esquipulas II Summit in August 1987. (Hampson, 1996:134) Talks began soon after with Boutros-Boutros Gali and the United Nations mediating the discussions.

On April 4, 1990, the Geneva Agreement was signed, and specifically stated that the purpose of the negotiation process was to "end the armed conflict by political means as speedily as possible, promote democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadoran society." (Fishel, 1998: 45)

The first round of full-fledged talks, held in Caracas in May 1990, set the agenda and a tentative timetable. Phase one addressed human rights violations, the Salvadoran armed forces, electoral systems, constitutional and socio-economic reforms, cease-fire, and the role of the UN in verification. Phase two dealt with cease-fire. Once in effect, the negotiations on the implementation of political agreements followed. (Fishel, 1998:45)

Round two in June 1990 focused on human rights abuse and armed forces. The FMLN wanted the death squads disbanded, a single police force under civilian control, penalties against the military implicated in human rights violations, and the creation of commission of truth. (Hampson, 1996:138)

During the third round in San José, Costa Rica, human rights issues were discussed. Both sides agreed to a UN proposal in which they pledged to respect human and civic rights, and to allow the establishment of a UN human rights monitoring mission for one year. It would have the authority to investigate freely the human rights violations, make recommendations, and report to the Secretary General. (Hampson, 1996:138)

In the fourth round of talks in mid-August, both sides agreed simultaneously to disband the Salvadoran armed forces (FAES) and the FMLN army. Specific details of the dissolution were outlined in the final peace accord.

On September 19, all the political parties (including the three left-wing parties) signed an electoral agreement in El Salvador. It revised the electoral rules governing subsequent municipal and legislative elections, and increased the number of seats in the legislative assembly from sixty to eighty-four. (Hampson, 1996:139)

In December 1990, the UN Observer Mission in El Salvador (ONUSAL) was

established to verify the peace agreement negotiated by the parties. Both parties requested the establishment of ONUSAL prior to cease-fire, to reduce the occurrences of violence and human rights abuse. The decision to deploy a human rights observer mission before a cease-fire went into effect was an exceptional occurrence, which had a significant impact on reducing violence and instilling confidence in the peace process. (Hampson, 1996:141)

On April 27, 1991, a partial agreement was signed in Mexico City. This agreement addressed constitutional reforms, subordinated armed forces to civilian authority, removed armed forces' autonomous role in defending constitutional legal order, established the National Civil Police (PMNC) and state intelligence agency (which would be independent from the armed forces), reorganized the Supreme Court of Justice, established new procedures for election of Supreme Court justices, created a commission of truth, and so on. (Hampson, 1996:140)

In December 1991, the FMLN suddenly introduced into the negotiations a new demand for land reform. The government responded by insisting upon a cease-fire before it would address broader social and political issues.

The FMLN agreed to the cease-fire, and the final peace accord was signed on January 16, 1992 in Mexico City. (Hampson, 1996:142) The cease-fire agreement gave the parties from February 1, 1992 and October 31, 1992 to end its armed confrontation, and meet the conditions of the accord. ONUSAL was responsible for investigating any violations of the cease-fire. (Constable, 1993:108)

On paper, the accords appeared to be a victory for the rebel movement. The Salvadoran government pledged to radically reduce the power of the military, and cut in half its 63,000 member armed forces over 2 years, disband five counterinsurgency battalions linked to severe human rights abuses, create a new civilian police force in which ex-rebels would participate, and purge the military of abusive officers, based on recommendations by an independent commission. Meanwhile, the rebels agreed to surrender their weapons under UN supervision, and gradually to demobilize its 6000-8000 combatants. (Constable, 1993: 108)

However, mistrust between parties caused delays on both sides in the proper implementation of the agreement. Pressures from the United Nations and other states encouraged both parties to comply with the stipulations in the accord. In addition, ONUSAL encountered problems in fulfilling its responsibilities, such as internal organizational challenges, and difficulties in observing itself. ONUSAL was fraught by insufficient resources to fulfill its duties, lack of coordination with other groups, and limited influential power. Despite its weaknesses, it did promote awareness, and gave legitimacy to the peace process.

Truth Commission

The Commission on Truth was created on April 27, 1991 as part of the peace accords in Mexico. It was mandated to investigate and report on serious acts of violence that occurred between January 1980 and July 1991, to make recommendations that would

prevent the recurrence of these events, and to promote national reconciliation. The investigations of the history of human rights violations were used to give an overall assessment of the pattern of violations. (Kaye, 1997:698)

It received 22,000 complaints of serious acts of violence that had occurred between January 1980 and July 1991. Of these accusations, 60 percent referred to illegal executions, 25 percent involved 'forced disappearances', and over 20 percent dealt with instances of torture. (Planchart, 1993:43) The Commission confirmed 7,312 specific cases of human rights violations, including 5,566 deaths and disappearances, and indirect evidence of abuse to 13,562 victims, including 11,130 deaths and disappearances. (Hampson, 1996: 156) In addition, statistical results of the report indicated that 97% of the violations stated in the Truth Commission report were attributed to rightist military, paramilitary, security forces, and death squads. Meanwhile, only 3% were attributed to the FMLN. (Hampson, 1996: 157) Statistics also indicate that violence against citizens occurred mostly in the countryside with 95 percent of complaints involving rural incidences. (Torres-Rivas, 1994:24)

The report publicly named individuals linked to human rights abuse, and offered several recommendations involving administrative, legislative, and constitutional measures. The Truth Commission suggested the removal of the entire Supreme Court (Hampson, 1996:158), and several others indicated in the report within in public administration, judiciary, and military. It also recommended that those mentioned in the report and removed from the Supreme Court should be banned from public office for ten years. As a result, some military officers were removed from positions of authority, but in an extremely slow process due to many delays and apprehensiveness.

During the Truth Commission's research period of human rights violations, it encountered defiance not only from the military, but also from US government officials and intelligence agencies which refused to provide the necessary documentation, nor cooperate fully. This raised new questions about whether loyalty to Salvadoran military allies outweighed US commitments to the peace accords and the truth about past violations. (Constable, 1993:109)

Five days after the report's release, El Salvador's National Assembly, controlled by Cristiani's ARENA party, passed legislation entitled "General Amnesty Law for the Consolidation of Peace," which prevented the investigation and prosecution of all those responsible for human rights offences committed in context of the civil war (1980-1992); thus rejecting one of the principal recommendations of the report. (Amnesty International, 1996: 16)

Essentially, through the involvement of international agents, such as the UN Secretary General and ONUSAL, and the Truth Commission in the peace process, the accord and cease-fire were finally established. In addition, external pressures from neighbouring countries, including the 'four friends of the Secretary-General' (Colombia, Mexico, Spain and Venezuela), worked with both sides in support of the peace talks, and to prevent their breakdown. (Hampson, 1996: 136)

The incessant war finally ended after over a decade of violence and the death of

thousands of innocent victims. UN involvement brought legitimacy and urgency to the peace process. While the accord itself was not perfect, it did put an end to the mass violence, and increased the possibility of a true transition to a 'legitimate democracy.'

Although the human rights violations still occur to a small degree, the fact that the FMLN became the second largest political force during the 'election of the century' in March 1995 demonstrates the progress that has occurred in El Salvador. (Spence, 1999: 1) Through the promotion and practice of 'democracy', former enemies may now debate and promote their interests within a political sphere, instead of relying upon terrorism and gunpowder to realize their aspirations.

In each instance, foreign intervention either directly or indirectly influenced the dynamics of the political, economic, and social conditions of El Salvador. This in turn, influenced the capacity of the El Salvadoran government and military to suppress its people, and to use humanitarian violations as a tool to *manage* its constituents. Further considerations will be made in regards to the linkages between fear and peace.

Possibilities for the Future

As the detailed accounts above indicate, foreign intervention in El Salvador has had both positive and negative effects, depending on which vantage point is taken. Several factors have influenced the outcomes, including the goals and objectives of the foreign actors and organizations, the foreign policy interests, and the information used to create the international directives. With the United States' focus on military solutions, the Salvadoran government's dependence left it with few alternatives. It is interesting to note the dynamic role of power and influence in selecting the data gathered and used to influence a state or organization's objectives. In case of the United States, lack of information and interest outside the 'military solution', severely limited the options focused on addressing problems of social exclusion, inequities, and humanitarian rights offences.

On a positive note, foreign intervention had some constructive impacts on El Salvador. With the peace accords signed, the process of implementing the agreement helps promote the conditions for democracy. While the transition process itself is not without criticism and problems, the fact that two 'enemies' were able to mutually agree to the process of establishing peace and ending the civil strife was an accomplishment in itself. Overcoming the deeply imbedded corruption and anger between both groups will be a challenge that goes beyond the scopes of the peace accord.

The creation of the Truth Commission and ONUSAL helped build confidence in the peacebuilding process, and created 'legitimate' bodies to give Salvadoran greater hope in the entire initiative. Despite its criticisms, the organizations did create greater awareness to 'truths' and a *voice* to the helpless victims that suffered throughout decades of social exclusion and human rights violations. It gave the *silenced* a chance to seek justice through awareness, and educate others to prevent future abuse from occurring. Although not all the murderers have been brought to justice, the increased awareness and freedom of speech has inspired citizens to mobilize locally and internationally at the non-governmental organizations and grassroots level so that they

may *help others help themselves*.

International involvement in El Salvador's civil war also promoted cooperation at the local, regional and international level. Thus, through assistance from the UN in the peace process, and pressure from several regional actors, a resolution was reached. In essence, greater public awareness of the human rights violations helped mobilize and motivate people into action at every level.

Alternatively, foreign intervention has also generated negative impacts in El Salvador. Involvement of the United States in the civil war could be examined based on its 'success' in averting the spread of Communism in Central America, based on Cold War mentalities and justifications. Or, one could consider how superpower interests and 'west versus the rest' attitudes lengthened the war, where dialogue and negotiations was never considered an option until the fall of the Berlin wall.

Overall, foreign intervention will always influence the lives of those that they choose to involve themselves in. It is through their choices of action and inaction, and the strategy of intervention that determines whether it helps perpetuate the *institutionalization* of fear, or the transition towards peace. For instance, the United States' choice to use brute military force to *aid* El Salvador resolve its civil war -- instead of addressing the underlying social and economic interests -- indirectly helped maintain structures within the country responsible for human rights violations, rather than deal with more difficult issues.

Fear becomes institutionalized when those with the ability to prevent violence and fear choose not to; when these same people choose to benefit at the expense of others, who often give up not only their livelihoods, but also life itself. It is institutionalized, when the oppressed choose to remain silent. As simplistic as these statements seem, ultimately, everything is a matter of choice. We may not always have the power to create all the desirable 'options', but even to the smallest degree, there will always be a decision to be made, whether it is the choice of silence or death, or the use of dialogue instead of fists.

Amidst the complexities of each situation in which certain variables may only be modified by an elite few, one may still strive towards achieving a legacy of peace, and the creation of conditions in which human development may occur, and human security established.

Thus, the types of foreign intervention discussed above have helped to create a window of opportunity by addressing and publicly criticizing the problems of El Salvador's government and political structure. In order to promote long-term stability and achieve human security, conflict management solutions that do not rely upon violence must be institutionalized and ingrained in all levels of society. All citizens must learn the value of using dialogue over violence.

But, in order to remove the 'institutionalized fear,' a feasible alternative must be created. Is democracy the solution? Will it rid the system of the deep historically rooted mesh of corruption within the military, government, economic elites, and

judiciary system? Or, will El Salvador's old corrupt system find new loopholes and avenues within 'democracy' to ensure its needs and interests are met? Overcoming this hurdle will require a great deal more than a peace accord, dialogue, and international observation units. At this point in El Salvador's history, the quest for a *legacy of peace* is still but an ambitious dream...

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Footnotes

1. An earlier version of this document was presented at the International Research Foundation for Development's Panel discussion at the United Nations Headquarters, New York on April 6, 2000.

2. Human security is defined as, "the creation and maintenance of the minimum conditions which would allow for 'human development'." (Bush, 1999:7).

3. For further information on the concept and theory of fear and violence, see: Corradi, Juan E., Patricia Weiss Fagon, and Manuel Antonio Garretón (eds), "Fear: A Cultural and Political Construct,"

and Salimovich, Sofia, Elizabeth Lira and Euginia Weinstein, "Victims of Fear: The Social Psychology of Repression," in *Fear at the Edge: State Resistance in Latin America*. 1992, University California Press: Berkeley; Bardis, Panos D., "Violence: Theory and Quantification," *Journal of Political and Military Sociology*. 1973, Volume 1, No.1.

4. Normative in the sense that human rights violations were historically tolerated as a part of political society, and as a typical means to ensure compliance. This toleration may be related to the inability and unwillingness of the oppressed to mobilize and resist.

5. Most military school cadets came from lower-middle-class families; many of which struggled to put their sons through high school in hope that they would pass the entrance exams. The school provided four years of free post-secondary education and living expenses. For lower-class families, it provided an opportunity for their children to rise socially. (Christian, 1986:92) In fact, most of the leaders that decided the country's future during the civil war had strong alliances created in the late 1950's and early 1960's during military school. Christian asserts, "no one forgets his classmates." (Christian, 1986:93) This statement implies that the experiences that determined foes and allies began early in the (legal) average thirty-year military career.

Organized Resistance: The role of civil society in dismantling apartheid in South Africa

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INTRODUCTION

South Africa is a nation plagued by a history of institutional racism and structural inequality which relegated approximately 80 per cent of its population to live under the inhumane laws of apartheid. When the dismantling of the apartheid system began in 1990, the world celebrated the emergence of a new, truly democratic regime for the citizens of this country. The first democratic elections in 1994, which brought to power Nelson Mandela and the African National Congress (ANC), ushered in a new era of hope for equality and social justice to become a reality for people of all racial backgrounds. The "rainbow nation" has made notable progress even while severely burdened by the inheritance of a crippled state, massive economic inequity and political upheaval.

Over 40 years of extreme oppression and inhumanity took its toll on both the people and the land of this country, leaving concentrated pockets of urban wealth encompassed by overpopulated, squalid townships and vast, poverty-stricken rural areas. While the apartheid regime struggled to maintain power and stability during the 1980's the majority of South African people, led by exiled political figures and their counterparts, worked to organize and unite a mass-based movement to demand democratic reform. Under increasingly repressive conditions, organs of civil society, specifically trade unions, local civic councils, and underground political parties, covertly met and organized intermittent national campaigns of defiance and stay-aways to increase pressure for reform. Trade unions became the key vehicles through which the majority's rights, education, and economic interests were fought for in collaboration with the noble aspirations of many South Africans to establish a non-racial democracy.

It is abundantly clear that the collaboration, cooperation and tactical efforts of the labour movement were primarily responsible for the relatively peaceful means by which democracy was achieved. In the current era of globalization a renewed focus

has emerged regarding the potential capabilities of civil society to substantially impact and alter the events that shape a nation. With the intensified integration of the international community there is a need for greater collaboration, compromise and unity to address issues which confront the global citizenry and to ensure a space for the activities of civil society to occur. The destruction of the apartheid system in South Africa provides a valuable example of how 'amandla ngwethu', or the power of the people, can bring about revolutionary change in the national development of a country. However, civil society in South Africa faces a new set of challenges in the 21st century in a continuing struggle to make democracy and equality a reality for all citizens.

EXAMINING APARTHEID

Soon after the formal establishment of apartheid in 1948 the National Party government passed legislation strictly limiting freedom of movement, occupational choice and educational services to non-whites along with the forcible removal of Africans to ethnic 'homelands'.(Baskin, 1998: 22) This rigid system of racial domination not only required all Africans to carry a passbook revealing their identity, employment and legal history at all times but also stripped non-whites of South African citizenship. Up until the 1970's severe state repression quelled most civil disobedience and opposition to the state was fundamentally limited. However during the 1970's labour activity became more militant with workers protesting student murders, police brutality and demanding the release of political prisoners. In response to labour unrest and the resulting economic impact, the government embarked on a series of labour reforms in the late 1970's which extended rights to Africans to join and form registered unions, bargain collectively, and strike.(Harcourt, 1998: 5)

By this point the African population was devastated by apartheid, existing in conditions of extreme overcrowding, with scarce provision of water, energy and other basic facilities. In 1980 the per capita income of Africans was one-twelfth that of whites and malnutrition and mortality levels were appallingly high: all factors contributing to Gini coefficient levels of 0.66 to 0.71 between 1970-1993.(Wilson, 1994: 104) During apartheid the vast majority of Africans never received education beyond primary levels in low quality schools, this probably being the most disastrous legacy of the racist system.(Baskin, 1998: 27) Freedom of movement was severely constrained, as blacks could not move about without a valid passbook and some amount of money. Citizen participation was not only restricted by law but also accessed mainly by men who had the opportunity to join unions through work and participate in covert political planning. Nelson Mandela's banned political party, the ANC, was the main political party supported by Africans and industrial membership essentially translated into political citizenship. In spite of their meager standards-of-living, black membership in unions and civic councils continued to grow and opposition activities against the state continued unabated as the struggle for democracy surged ahead.

THE DECADE OF STRUGGLE: 1980-1990

During the 1980's rising popular activism and state repression reached historically high levels. Violence in the townships was commonplace and activities of the MK

(Umkhonto we Sizwe, the armed wing of the ANC) gathered strength and increased levels of activity. With townships under heavy police oppression and civilian militancy intensifying, the task of mobilizing citizens outside of the workplace became virtually impossible. Political parties other than the ANC competed for membership, including the United Democratic Front (UDF), AZAPO, Pan Africanist Congress (PAC), Inkatha Freedom Party (IFP) ,and the South African Communist Party (SACP). Reformers outside of the townships, including many South Africans, worked to strengthen NGO capacity and develop alternatives to the apartheid system, garnering financial and moral support from some members of the international community. With opposition political parties banned and freedom fighters exiled, unions became the key vehicles to mobilize the necessary political will and increase public pressure on the National Party government.

Trade unions flourished during a period of rapid industrial development in the 1960's but were severely repressed by legislation and largely underground movements until they reemerged in the 1970's with a series of wildcat strikes.(Benner, 1995: 1) Black unions were officially legalized and granted basic rights in 1979 although banned from participating in any political activity, and the early 1980's saw tremendous growth in union membership and strength.(DeFrozno, 1996: 323) By this time over 80 per cent of shares traded on the Johannesburg Stock Exchange were controlled by four conglomerates and business hoped that the official recognition of black unions would provide a more stable workforce during the 1980's with whom they could negotiate worker demands and avoid costly and disruptive strikes.(Marx, 1992: 193) Small changes were also made in housing, employment and schooling in order to improve the economy in the long-term, as firms needed more skilled black workers to fill positions.(DeFrozno, 1996: 312) The unions allowed black workers to discuss concerns, organize and provided an integral space for opposition movements to become more mass based and inclusive. Previous opposition to the state had excluded the increasingly radicalized white intellectuals who had been banned from participating in the Black Consciousness movement to liberate blacks and demolish the system of apartheid. The segregated society of apartheid did not permit a space where races could meet together to discuss and organize state opposition and thus union activity finally permitted whites to participate in promoting the transition to democracy.

During the mid to late 1980's the conservative union base virtually imploded and many fragmented, smaller unions amalgamated as the Congress of South African Trade Unions (COSATU) emerged in 1985 and became the central organizing body for the labour movement in South Africa.(Baskin, 1996: 22) The strength and capacity of the labour movement quickly became clear as union membership swelled and Africans empowered themselves through united defiance. By 1985 South Africa had been declared a high-risk country by numerous foreign banks and faced an economic crisis as insurrections in most sectors of the economy became frequent.(Harcourt, 1998: 6) Business was necessarily forced to the negotiating table and in 1985 a business delegation led by Anglo-American CEO, Gavin Reilly, met with the exiled ANC leaders in Zambia for discussions regarding the formation of the post-apartheid economy.(Harcourt, 1998: 7) This was the first true sign of success in the struggle for state reform and the beginning of formal negotiations regarding the post-apartheid era.

In 1986 the government declared a state of emergency increasing state repression in an attempt to crack down on civil disobedience and mounting state opposition. Witnessing the ever-increasing levels of union activity and blatant political alliance with the banned ANC, the government implemented the Labour Relations Amendment Act (LRAA) in 1988 which repealed many of the rights granted to unions in 1979 and restricted labour activity. Public outcry was not quelled however, and in 1989 70 per cent of African workers participated in a nationwide strike as part of the National Campaign of Defiance against the 1989 elections.(DeFrozno, 1996: 306) With mounting international pressure, an economy crumbling under the weight of sanctions and a population made ungovernable, the government had little choice except to begin negotiations for the inevitable end of apartheid.

THE COLLAPSE OF APARTHEID

In 1990 the National Party government, led by F.W. de Klerk, unbanned the ANC and other political parties, followed by the release from jail of most political prisoners including Nelson Mandela and his comrades. However the transition to democracy was far from over. Business at this point was far more eager to talk and negotiate with the black majority than the government, as they wanted to act quickly and encourage the international community to lift sanctions in order to minimize their growing economic losses. The government clearly desired an end to civil unrest but did not embrace unanimous support for power-sharing with the black majority.

The ANC faced an intense struggle at this point to consolidate political support and distinguish itself from COSATU. Essentially the executive members of COSATU mirrored their roles in the reinstated ANC and union members quickly developed formal political citizenship in local committees. The party battled to reconstitute its local, regional and national representation and develop effective organizational structures as well as having to contend with other opposition parties who rallied considerable support such as the IFP and the SACP.(Marx, 1992: 196)

Immediately after their unbanning the ANC called for the return of all exiled political leaders and presented a set of demands to the government as pre-conditions for negotiation. Outbreaks of violence continued and despite serious contrasts in policy and procedures the ANC joined forces with the Pan Africanist Congress in 1991 and many other smaller parties quickly threw their weight behind the ANC for organizational support. During this period the government and the ANC continually found themselves deadlocked and threatened to end negotiations while civilian militancy increased and nation-wide violent outbreaks resulted in thousands of people injured and killed.

While the ANC was negotiating the political transformation of South Africa, COSATU entered discussions on increasing workers rights and formalizing the role of labour in the post-apartheid economy. Late in 1990 a historic accord was signed by the employers' South African Consultative Committee on Labour Affairs (SACCOLA), the Department of Manpower (NMC), COSATU and the National Council of Trade Unions (NACTU) to rescind the 1988 LRAA. This had the effect of extending

collective bargaining rights to previously excluded workers and allowed the union federations to negotiate labour legislation before its enactment in Parliament. (Harcourt, 1998: 7) In the same vein of cooperation and negotiation, COSATU established the National Economic Forum in 1991 for discussing industrial policy with business groups and government. In addition, COSATU agreed to participate in discussions with the NMC, furthering labour's formal role in consultative bodies focused primarily on workers rights to be pursued after the first democratic elections in 1994.(Benner, 1995: 2)

Simultaneously as the major union federations, business and the government were embarking on tripartite negotiations, national stay-aways and protests were occurring across the country. Many South Africans had expected an imminent transfer of power after the release of Mandela and deteriorating economic conditions only exacerbated the conditions of extreme poverty for millions of South Africans. COSATU's focus quickly shifted from a central focus on workers rights in the post-apartheid economy to the greater battle of restructuring an entire economic system characterized by gross inequality.(Marx, 1998: 234) The union federations extended their scope of activities and worked further with the ANC to ensure that all policy documents emphasized the need for economic reforms and extensive social programs. When the National Party government ended negotiations with the ANC and other political parties, COSATU organized more mass stay-aways which essentially shut the economy down nation-wide and forced the government back to the negotiating table.(Benner, 1995: 2) Jerome Barrett, a former bureaucrat in the Department of Labour notes these accomplishments made by organized labour during this period;

> "the trade unions were involved in numerous political activities such as: getting the government to free political prisoners, developing a mechanism to create a new constitution, drafting the new constitution, educating South Africans about government processes and voting procedures, conducting public debate about democratic institutions, aiding in plans for the 1994 election, persuading the United States and other countries to lift the international trade ban, convincing foreign private investors to increase their investments in South Africa and encouraging companies within South Africa to invest more in private development companies."(Barrett, 1996: 4)

Compromise and peaceful negotiation did not always characterize the means by which COSATU and other labour organizations achieved such goals but it is integral to note that these advancements provided an influential example of cooperation among opposition groups. Emerging from a period of intense repression and covert activities, COSATU faced major internal challenges as the federation struggled to organize administrative structures, increase communication systems, consolidate mass support and become self-sufficient without foreign sources to rely on. Nonetheless, the labour movement remained relatively united and kept the population informed and mobilized until the April 1994 elections.

THE SUCCESS OF THE LABOUR MOVEMENT

The exploitation of cheap black labour was at the heart of the apartheid regime.

Spending on healthcare, education and all other social services was discriminatory and Africans could expect to live on average a decade shorter than their white counterpart. (Barrett, 1996: 15) The system of apartheid was also economically inefficient which increased levels of poverty due to a stagnant or declining national growth rate. Unions attempted to improve this unequal system by reforming the system of worker exploitation through improved wages, working conditions and increasing access to professions previously restricted to whites only. From the late 1960's onward the role of unions has been broad and encompassed community objectives as well as providing various forms of community support. Unions briefly worked together with firms in the 1980's to provide some financial support for primary education and sports scholarships in black communities that were cut-off during the apartheid regime.(DeFrozno, 1996: 333) This extended role into spheres outside of the workplace allowed unions to develop a mass base of support across the entire country.

Instead of taking a narrow economic focus "the unions embraced a philosophy of political unionism, emphasizing the common interests of workers and community groups and the advantages of coordinated mass action".(Harcourt, 1995: 5) Thus, during the 1980's it was virtually impossible to distinguish labour activity from political activity. Although strikes and stay-away campaigns resulted in no pay for workers, figures show that the majority of African workers were willing to sacrifice their much needed pay-cheques in the interests of progressing with the broader struggle for democracy. This sacrifice is even more inspiring when considering the horrific conditions of depravation that Africans were forced to live under.

During the period of 1985-94 unions periodically met with the business community in ongoing negotiations regarding the restructuring of the economy and workers rights under democratic rule. These meetings were monumental, as they were the first examples of cooperation between capital and labour and more importantly between Africans and their historical oppressors. Prior to the 1994 elections the union federations were also primarily responsible for the massive public education campaign regarding the pending reforms, citizens rights, political party platforms, and the specific functioning of the election in order to sure a peaceful and successful transition.

After the election of the ANC government unions worked together with government and business to create policy and influence decisions made regarding public policy and legislation. As a result, public expenditure on social services such as education, health and sanitation was increased. Not only did spending increase but access to social services was expanded and improved so that those who live in extreme poverty are able to utilize public services. With a key goal of protecting exploited workers, unions have also focussed on improving wages, ensuring job security and providing safe housing for workers and their families. In addition they have attempted to reduce racial inequality by standardizing wages in industry and increasing wages of blacks relative to their white counterparts. Unions have desperately tried to prevent South Africa from becoming a depository for cheap third world labour amidst persistent unemployment and declining growth.(Benner, 1996: 3)

The South African labour movement capitalized on key strengths and tactical

strategies in order to dismantle the apartheid system. When examining the tactical strategies utilized by the opposition movement it becomes clear that the movement was based on five tactical approaches to end apartheid. One of the most overwhelming tasks was the massive education campaign the movement embarked upon. COSATU ensured that citizens understood the functioning of the apartheid system and then during the 1990's sought to educate the masses on the political process of transformation. Extremely low literacy and education levels and hampered this strategy as well as making information available to more than eleven distinct linguistic groups. Secondly, although mainly a peaceful movement, the MK armed resistance wing placed the seizure of power on the agenda and used measures of violence, property damage and civil unrest to intensify pressure on the government.(ANC, 1994: 1) The third strategical tactic was the mobilization of workers across the entire country. Probably the most integral component of the opposition movement was the ability to bring the country to its knees economically through frequent and protracted, nation-wide strike action. This is also related to the fourth tactic which was to make the country ungovernable through high levels of civil disobedience and unrelenting protest action. The movement also harnessed growing moral opposition to the apartheid regime by networking through international NGOs and citizens groups to encourage states to implement economic sanctions and enforce boycotts of South African products. Not only did this strategy seek to isolate and weaken the apartheid regime but also to gain international financial support for the movement's activities. And lastly, they created a network of underground structures inside and outside of the country to ensure the goals of the liberation movement.

These tactics were consolidated and enhanced by the inherent strengths of the union movement. The high levels of unionization in South Africa during the decade of struggle granted the unions considerable organizational leverage by involving most sectors of the economy in strike and protest action. In addition, the external support unions received from other labour organizations and NGOs provided much needed financial resources and practical advice for the movement's activities. As a civil organization working in opposition to the state, the movement was strengthened by the absence of a formal relationship with the state. This strategic position allowed the movement to operate autonomously and free from fears of co-optation or government muzzling. In addition, the negotiating strategies employed by the union federations were conciliatory and amiable which provided a key example for other bodies involved in the process of change. This atmosphere of compromise and negotiation was of vital importance to promoting a smooth transition to democracy and promoting an accommodating relationship between unions, business and government.

Of prime importance for the opposition movement however, was the resolute internal solidarity of the movement itself. By banning political parties during the apartheid period, the government forced ideology into the union movement and "the result was a politically engaged union movement combining socio-political and 'bread-and-butter' demands".(Baskin, 1996: 22) This broad class consciousness which infused the labour movement motivated the unions to act on behalf of all citizens to push for societal reforms. By moving beyond a narrow focus of business unionism and sacrificing opportunities to improve the conditions and terms of employment for workers, the labour movement put the needs of greater society ahead of its membership. Of course,

this could not have been achieved without the active support and participation of the millions of workers who comprised the labour movement and devoted years of their lives to the struggle. The collectivist concept of "ubuntu", the belief that people are people through other people, was clearly a driving force behind the liberation movement.

THE STRUGGLE CONTINUES

In the post-1994 analysis it is clear that many challenges face civil society to continue the struggle to end poverty, inequality and continue national development. Although the inclusion of labour and community organizations in the governing ANC Alliance and in the national bargaining structure, NEDLAC, was lauded for its transformative potential, the government has increasingly marginalized civil society and has formed a strong allegiance to the interests of international and domestic capital. Since the introduction of GEAR, the government's neo-liberal inspired macroeconomic framework, the necessity of redistribution has taken a back seat to economic growth. Many CSOs frustrated with the slow pace of change are now questioning how to mobilize South Africans once again for further democratic reform.

One of the greatest barriers to mobilization is the absence of a common cause. Under apartheid, civil society rallied around the cause of liberty from state oppression. In the new South Africa, the Government of National Unity enjoys the overwhelming support of civil society. Satisfied with the achievement of civii rights and a democratic parliament, many South Africans are in no mood to struggle. The diminishing influence of NGOs and trade unions in the post-apartheid era makes the challenge of mobilization all the more difficult. After 1994, both trade unions and NGOs experienced an exodus of staff to government and both were weakened by a significant decline in international support. Many trade unions have experienced declining memberships due to increasing levels of unemployment and the growing informalization of work. NGOs, often forced to commercialize their operations, have been focusing more on project-specific operations than on raising social consciousness. Moreover, as poverty levels in South Africa remain extreme, as violence rips apart families and communities, and as the AIDS epidemic ravages the poorest segments of society, the organizational capacity of CSOs is crippled.

With a less militant, declining membership, shrinking leverage at the national level, and no common cause to rally around, the labour movement will be unable to play a significant role in mobilizing civil society for further transformation. Similarly, NGOs dependent on external support are often forced to be more accountable to donors than to the communities that they serve. Clearly, it is the national government and its private sector partners that hold the bulk of power in South African society and it is this alliance that must commit itself to thoroughgoing democratization. If democratic transformation is more than just rhetoric, then government must commit to an active redistribution of power and resources. For CSOs, the struggle to improve livelihoods with meager resources must continue and the goal of a more equitable society must be their guiding principle. In the words of Nelson Mandela:

"History will judge us extremely harshly if we fail to turn the opportunity, which it

now presents us with, into common good. The risk of further pain and affliction arising from violence, homelessness, unemployment or gutter education, are immense. No country or people can afford the extension of this anguish, even for a day."

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Flowing Upstream: The Case for Co-operative Efforts Between NGO-State Relationships

Concerning the Drinking Water Crisis in Rural Gujarat (INDIA).

by

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ABSTRACT

In India, the number of NGOs has increased dramatically in part because the state's ability to function as the primary actor in development has waned. It is necessary to analyze NGOs potential collaboration with governments to show that NGOs, as a set of the more active members of civil society, do serve to keep the state in check not only through direct confrontation but also through co-operative and facilitative operations.

Theoretical issues involving NGO-state relations will be explained by an examination at the empirical level of the drinking water crises in rural Gujarat (India). PRAVAH is an issue-based network of NGO representatives, academics and advocacy workers whose main objective is to ensure drinking water to all people in Gujarat through women's participation. It has recently begun to work with the state to promote bottom-up, community-led drinking water development initiatives in Gujarat. The specific subtleties that exist between PRAVAH and the Gujarat Water Supply and Sewerage Board will demonstrate the elements of co-operation that arise within NGO-state partnerships and will bring about more specific conclusions to the meaning and impact of civil society and its relationship to the state.[1]

INTRODUCTION

Within the last decade, academic literature has been inundated with discussions regarding civil society and the state. It has been acknowledged that these two spheres are somewhat intertwined yet no uniform conclusions have been derived to confirm

the boundaries of this relationship. In other words, a certain amount of uncertainty extends into the relationship between civil society and the state. Yet, despite these difficulties, it is important to understand civil society and its relationship to the state in order to enhance democratic governance.

Non-governmental organisations (NGOs) have become significant actors within the international system and are usually considered to be part of civil society. Over the last few decades, their numbers and influence have greatly increased in India. Their interaction with the state has also increased and will be the basis of analysis within this paper.

One of the areas in which growing numbers of NGOs are working is the role of women and natural resource management. Gender disparities in rural India are notable. Specifically, women in rural Gujarat have had tremendous difficulty with regards to accessing safe drinking water. Thus, various NGOs have attempted to overcome these concerns in Gujarat, with the help of the state. One of these is PRAVAH which is an issue-based network of NGO representatives, academics and advocacy workers whose main objective is to ensure drinking water to all people in Gujarat. It has recently begun to work with the state to promote bottom-up, community led drinking water development initiatives in Gujarat.

Despite the difficulties in categorising civil society/NGO-state relationships, it is nevertheless important to discern the connections and divisions between state and civil society in order to understand the possibilities for creating effective welfare strategies. This paper will demonstrate that Indian NGOs, as active members of civil society, can prompt the state to fulfil its welfare responsibilities, not only through direct confrontation but also through co-operative processes. Theoretical issues involving NGO-state relations will be explained by an examination at the empirical level of the drinking water crisis in rural Gujarat. The specific subtleties that exist within this relationship as well as the relationship between PRAVAH and the Gujarat Water Supply and Sewerage Board will also demonstrate the elements and impact of co-operation that arise within NGO-state partnerships.

CIVIL SOCIETY

Civil society has become a widely used term among academics, practitioners and donors within the development discourse. However, this term is problematic because it has yet to be defined in a concise manner (Van Rooy 1997). Finding a single definition that can be universally or even widely agreed upon is a major concern. Van Rooy states: "The problem has been 'solved' in large part by being avoided, and aid watchers have entered into the practical tasks of identifying and analysing civil society rather than understanding what it is, why it is, or what it is for" (1997: 4). Liberal literature indicates that in the remnants of the definition remains a distinct feature of civil society--specifically civil society is posited as being outside the state while still retaining a feeling of potential opposition (Allen 1997). Callaghy states that civil society consists of "autonomous societal groups that interact with the state but delimit and constrain its action: here associational life is seen as the core of civil society" (Callaghy cited in Allen: 1997:234).

Several academics maintain that civil society is often used to mean that it is in fact opposed to the state (White 1996, Chabal 1986, Bayart 1986). Chabal concludes that civil society is a "vast ensemble of constantly changing groups and individuals whose only common ground is their being outside the state and who have … acquired some consciousness of their externality and opposition to the state (1986:15). Bayart also maintains that civil society is a "society in its relation to the state … in so far as it is in confrontation with the state" (1986:111).

In the case of India, Gupta feels that "the conceptions of civil society in India seem to have gone further than in the West in denying the validity of the state altogether… (1997:307). Beteille also confirms this view and states: "Unfortunately, a great deal of the recent enthusiasm for civil society in this country has been driven by a negative, if not a hostile attitude towards the state… (1999:2588). It is precisely this oppositional definition that tends to minimise the co-operational efforts that do exist between civil society and the state.

Because of the multitude of civil society organisations that work in congruence with the state, civil society cannot be considered simply in terms of its opposition to the Indian state. The corollary, however, is not that all civil society organisations should co-operate with the state; rather some civil society organisations that have similar interests in common with the state, more so than other organisations will be able to co-operate more. It must be realised as Oommen supposes that "the issue is not state versus civil society but the type of state and the quality of civil society" (Oommen 1996:193).

One of the central themes highlighted here is the notion that alongside this potential opposition to the Indian state, co-operative measures between these two spheres can exist. Moreover, I argue that groups within civil society can encourage state accountability in the name of democracy through co-operative means.

With this in mind, developmental NGOs, considered to be one set of actors within civil society, and their relationship to the Indian state will be analysed. In other words, this paper confines the scope of the investigation on civil society literature by analysing the significant role of a specific set of non-governmental organisations and their collaboration with the Indian state.

NGOs AND THE STATE IN INDIA

Development NGOs in India have grown rapidly and this rise shows little sign of abating. Jain writes: "Today, India has a vibrant NGO sector. Although there has been no complete census of NGOs, their total number is roughly estimated at 100 000 of which only 25 000 to 35 000 are active" (Jain 1997: 128). There has been an enormous increase in the number of NGOs during the past fifteen years due to increasing poverty rates, widely spread illness as well as increased funding and a "weakening governmental delivery mechanism" (Jain 1997: 29).

Traditionally, the state has been one of the primary actors that has attempted to

develop society. However, according to Desai (1996), Nandy (1989) and Kothari (1988) it is currently failing to promote adequate solutions and implement efficient development initiatives for the marginalized people within Indian society. NGOs may be filling the gaps left by the state. Sharma states: "In such a situation of the state's ineffectiveness, indifference and disenchantment the NGOs--either with the state's patronage and sponsorship or independent of it--would emerge as an alternative/supplement to the state" (Sharma 1996:32). Moreover, Kothari explains: "As a system of managing the affairs of societies, this 'top-down' model has failed. It is against this failure that the rise of new actors and levels, new forms of political expression and new definitions of the content of politics acquire significance" (Kothari 1984:402). Other actors beyond the state have entered the development field--one of the most significant groups of actors being NGOs.

STATE-NGO "PARTNERSHIPS"

One can deduce that state-NGO partnerships will increase due to the slow realisation that both actors possess complementary strengths.

According to Riker (1995) and Farrington (1993), development NGOs' key concern is to maintain their autonomy; they fear being co-opted by the state. This would defeat the objectives of several NGOs which measure government accountability and attempt to form close ties with the rural poor. It is argued here however that with more collaborative efforts between development NGOs and the state, many more NGOs can keep a more watchful eye on the state and therefore increase the latter's accountability

Fowler (1997) and Tandon (1989, 1991) claim that governments, on the other hand, would like to maintain their power and control over the development of their countries as well as financial resources. Moreover, in a democracy like India they are legitimately accountable to the electorate in contrast to the NGOs. Governments will have to expand the political space of NGOs but in a manner which does not compromise their capacity to protect the common good. In order for this to happen, NGOs must maintain public accountability as well as evaluate their approaches under a national regulatory system. Also, Governments should recognise the unique characteristics that NGOs bring to the field of development and be aware of their complementary role to that of the state.

Sanyal (1997) claims that it is a common misassumption that because NGOs are seen as having distinct operational structures and unique philosophies that they should avoid working closely with the state. Instead, he argues that this separation hurts NGOs. NGOs working towards poverty alleviation should not be detached from the state (Sanyal 1997). "To say it another way, just as development does not trickle down from the top, pushed by the state alone, it cannot effervesce from the bottom, initiated by NGOs alone" (Sanyal 1997:31). Co-operative efforts between these two actors can work to alleviate these issues by keeping each other in check.

GUJARAT

Gujarat (see Appendix A) is a state located in the western extremity of India and has a

population of 42 million people which is about 5% of the total population of the country (Hirway 1995). Gujarat is one of the richest states in terms of per capita income of the country and is aggressively pursuing industrialisation (Guha 1995). Ironically, the poor Gujarat to which Patel refers represents 70% of Gujarat's total population (Patel 1991). Moreover, the major constraint that Gujarat faces is its poor endowments of natural resources, particularly water. Availability of water to rural communities is a primary concern. Currently, the situation has become more severe; out of Gujarat's 18500 villages, more than 12000 villages every year are declared to be 'no source' (see Appendix B). High salinity levels, few perennial rivers and a dwindling natural resource base are a few of the physical factors heightening the crisis. Also, poor management of sustainable resources by the Gujarat government and unequal distribution of resources within the rich-poor dichotomy make the situation even more intolerable.

Women in rural Gujarat are the primary users of water related activities yet their views are rarely acknowledged when development initiatives concerning water resources are being implemented in their communities (Barot 1997, Shiva 1998). To have the objectives of community control and women's participation be met in this avenue, water must be equitably distributed on the basis of collective management where women in rural Gujarat have equal say in the decision-making process. Moreover, development initiatives surrounding this resource must include women at all levels of the planning, implementing and management of these water related activities. Otherwise, development initiatives will stay at status quo; the 'patriarchal water order' will remain a dominating force throughout rural communities in Gujarat leaving its people thirsty, sick and poor.

PRAVAH

PRAVAH is an issue-based network of activists, experts and NGO representatives working together to provide drinking water to all people in Gujarat through the promotion of community participation, especially women's participation in creation, implementation and management of their own resources. In 1994, the Centre for Drinking Water Resources Management of Utthan conducted an in-depth study of the drinking water situation in Gujarat. Dr. Indira Hirway and Dr. P.P. Patel, researchers of the report entitled "Dynamics of Drinking Water in Rural Gujarat", found a devastating situation among some of the rural poor because of the lack of clean drinking water available and also felt that the Gujarat Water Supply and Sewerage Board was failing to provide decentralised, effective solutions towards this problem (Hirway & Patel 1994). Sixty or so NGO representatives, academics and experts attended the seminar to discuss the report findings. One of the major conclusions of the discussion was the desperate need for some form of collective strength in Gujarat to influence government policy and incorporate effective decentralised programs in order to ensure drinking water to all in Gujarat. Thus, PRAVAH was conceptualised during this seminar and was formed in October 1994 with the support of 65 NGOs and individuals.

PRAVAH's most significant concern at the moment is the lack of participation among its rural members. The larger, more urban based and credible NGO representatives

have received more advantages in that their proposals are seen and passed more frequently by the GWSSB than are those of the smaller grassroots NGOs. Moreover, negative feelings have developed between these two types of NGOs because of the unequal power dichotomies felt within the network. An even greater problem is that due to PRAVAH's internal limitations members have begun to lose focus of the main objectives of the network. PRAVAH has maintained a dialogue with the GWSSB and along with a few reputable NGOs, has slowly begun to alter regional drinking water policies. However, it still has to bring rural women into the forefront of the decision-making process. Efforts have been made by the new coordinator and the trustees to increase participation within the network. The high level of self-awareness among trustees has also helped to create a platform to improve PRAVAH's relationship between the state and its people.

Despite these concerns, PRAVAH has legitimised the drinking water crisis in the eyes of the public. One of its most significant strengths thus far has been its efforts to develop a positive, open relationship with the state. Specifically, it has opened up a dialogue with the GWSSB and through this process has influenced government policies.

CONCLUSION

Civil society and the state

It is argued here that NGOs, as significant actors within civil society, do make the state more accountable through direct confrontation but can also do so through co-operative means. In other words, alongside this element of opposition, co-operative measures between the state and civil society do exist and these supportive measures can lead to a more vibrant democracy. This is the case with PRAVAH. While PRAVAH cannot be considered to be inherently confrontational to the GWSSB it does oppose the GWSSB in some sense. In other words, although PRAVAH and the GWSSB objectives are similar, PRAVAH still takes issue with some of the GWSSB's top-down, inefficient methodologies. In this case a certain amount of opposition does exist from PRAVAH's perspective. However, PRAVAH realises that without the GWSSB and its resources, adequate solutions will not be found. To do this, PRAVAH is working with the state in a co-operative manner in order to hear the voices of the people most affected by the lack of drinking water. In other words, PRAVAH, by working with the GWSSB, is attempting to deepen the democratisation process by expressing the views that usually go unheard, those of the rural women in Gujarat.

It can also be said that collaborative efforts between state and civil society may provide for more effective levels of democratic governance. For instance, PRAVAH and several other credible NGOs, through working with the GWSSB, convinced government officials to allot a significant amount of financial resources to various alternative technologies - roof water housing structures, step wells and recharging activities which were previously implemented solely through NGOs. In this regard, a government resolution was passed to allocate a significantly larger amount of money to these alternative strategies thereby altering current policies significantly. In the last three years, NGOs have been allotted an increasing amount of monetary resources for

alternative water technologies. The amount allocated went from 25 Lakhs to 25 Crores [2] over three year.

Several NGOs dealing with women's participation and the drinking water crisis are developing a strong link to the regional Water Board in order to provide more effective levels of governance to the people of Gujarat. By listening to the concerns of women in rural Gujarat and expressing these concerns to the GWSSB, a more participatory democracy is slowly being developed. Building a cohesive indigenous civil society, one that relates to the regional state (something which is currently happening in Gujarat) will eventually lead to more competent development strategies.

NGO-State Collaborations in Gujarat

NGO-state partnerships can be beneficial to the people affected by lack of resources. The challenging issue is for NGOs to maintain their autonomy while still acting as watchdogs of the government. Academics (Farrington 1993, Riker 1995, Fowler 1997) claim that this is very difficult to achieve. However, PRAVAH has maintained its mission to provide water to all people through women's participation, while still working with the GWSSB. Moreover because of this interaction, PRAVAH keeps a closer watch on government expenditures and actions and increases accountability for the Gujarati people. PRAVAH, through constant discussions with the GWSSB, receives several government reports that were previously not made accessible to NGOs. PRAVAH members also have more power in the decision-making process (i.e. how and where financial resources are being allocated). Thus, more NGOs are aware of how government money is being spent and their role as watchdogs has become more efficient.

It has been argued by Riker (1995) and Fowler (1997) that when collaborative efforts occur between states and NGOs, NGOs begin to lose their unique identity, philosophies and independence. In Gujarat, co-opting NGOs within the drinking water sector has generally not occurred. Many NGOs working on drinking water issues have maintained their autonomy while simultaneously working with the state. Many NGOs have not changed their objectives to suit those of the state. Specifically, they have maintained a strong, independent stance by continuing to support alternative drinking water initiatives. The reasons for this are several. First, there is strength in numbers. For example, PRAVAH does represent various credible, large NGOs that have come together in order to influence government policy. NGOs that are aligned in large numbers gain a certain momentum and confidence that is not easily broken. In other words, the GWSSB, simply because of its large size and expansive power, has not coerced these NGOs to do away with their own philosophies. PRAVAH may not have reached all its rural members but the large, more reputable NGOs that belong to the network have brought with them collective power which very well enhances their autonomy.

A second and equally important factor is that the GWSSB has slowly begun to realise the significance of NGO community development initiatives and alternative strategies and how these ideas complement those of the state. This realisation has occurred because the GWSSB officials have yet to find efficient, sustainable solutions to the

drinking water crisis. Furthermore, GWSSB has no desire to co-opt NGOs because the latter still holds the majority of money and political power. The GWSSB is not fearful of spending monetary resources on some NGO initiatives although they are still wary of sharing their political power. Certain key GWSSB officials have acknowledged that NGOs do have specific strengths that are needed to implement successful drinking water initiatives and recognise that to co-opt NGOs would be unnecessary. The reason that these partnerships exist is to take advantage of the unique qualities of each actor and certain key senior officials within the GWSSB have understood this.

Although co-optation of NGOs in the drinking water sector in Gujarat is not a common phenomenon, other weaknesses do exist within NGO-state collaborations. One of the most obvious is that the personal attitudes of senior officials with the Water Board greatly affect how much of a role NGOs play in policy making. The current secretary of the GWSSB, being very open to NGOs, has developed a closer relationship with some of them. However, in the future, when other secretaries are hired no one can be sure of how their personal opinions will affect NGOs role in policymaking in the drinking water sector. Moreover, many senior government officials who are more technically aware do not understand the importance of women's participation to successful drinking water schemes.

Furthermore, the GWSSB was very particular about which NGOs they worked with and invested time and money in. Large, more well-known NGOs in the drinking water sector are the ones who receive more support from the GWSSB. The smaller, rural more local NGOs still do not get the opportunity to influence policy or express their views on alternative drinking water initiatives to the Water Board. The GWSSB should first begin to research the efficiency of these local NGOs and then proceed to open lines of communication with the ones that have made unique contributions to rural communities.

Currently, the impact of PRAVAH on alleviating drinking water problems in Gujarat has been minimal. Its impact on NGO-state relations however has been encouraging. PRAVAH has maintained a dialogue with the GWSSB and it has also begun to legitimize the issue of women's rights to drinking water. Bringing NGOs and the state together has slowly changed current policies by opening up the idea of alternative drinking water schemes. This has demonstrated the potential effectiveness of good governance between these two actors. In the next two years, if PRAVAH were to become more effective as a network, it could make an even stronger impact on levels of democratic governance between the state and NGOs as well as slowly bring rural women leaders within the policy-making arena.

APPENDIX A: MAPS

INDIA

GUJARAT
(LOCATION IN INDIA)
N
AFGHANISTAN
CHINA
TIBET
PAKISTAN
DELHI
NEPAL
BHUTAN
BANGLADESH
LAOS
ARABIAN SEA
CALCUTTA
MUMBAI
MYANMAR
(BURMA)
THAILAND
HYDERABAD
BAY OF BENGAL
BANGALORE
CHENNAI
(MADRAS)
LAKSHADWEEP
(INDIA)
Kavaratti
Port Blair
ANDAMAN & NICOBAR
ISLANDS
(INDIA)
Map Not To Scale
SRI LANKA
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GUJARAT

Districts of Gujarat
N
Pakistan
RAJASTHAN
Banaskantha
RANN OF KACHCHH
Mehsana
Sabarkantha
Kachchh
LITTLE RANN
GANDHINAGAR
Surendranagar
Panchmahals
MADHYA
PRADESH
Ahmedabad
Kheda
Jamnagar
Vadodara
Rajkot
Bharuch
Bhavnagar
Junagadh
ARABIAN SEA
Amreli
Surat
GULF
OF KHAMBHAT
Dangs
MAHARASHTRA
Valsad
Map not to Scale
State Capital
District Headquarter
State Boundary
District Boundary
Area of Kachchh

APPENDIX B

DEFINITION: 'NO-SOURCE' VILLAGES

No source villages are to be identified on the basis of the following criteria:

Villages not having a public well.

Villages that have a public well, but the well dries up in summer and the village population has to walk beyond 1 km to fetch water.

Villages that have water supply source at a distance of more than 1 km.

Villages where it is not possible to have a simple well and water has to be drawn from deep tube wells.

Villages where a local scheme is implemented but could not be put to use due to lack of funds.

Villages with public wells within 1 km which are not dried up in Summer but which give less than 10 litres per head water in summer.

Villages where water is available at the depth more than 15 meters and where the distance between the water supply source and the dwelling population is 1 km or more.

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Footnotes

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2. One lakh equals 1 00 000 Rs-/ which equals 3703.70 CAD; one crore equals to 10 000 000 Rs-/ which equals 370 370.37 CAD.

The Changing Roles and Contributions of NGOs

in Conflict and Humanitarian Efforts

by

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There are many diverging opinions on the fundamental causes of conflict in the post-Cold War era, however one thing seems clear: the nature of conflict has shifted from confrontations between states (interstate conflicts) to struggles for dominance and power within states (intrastate conflict). These internal struggles bring with them a number of implications as they often pit ethnic group against ethnic group, religion against religion and neighbour against neighbour which not only impacts on said country, but often on the region as a whole as refugees pour into nearby countries. Significantly, non-governmental organisations (NGOs) that respond to the humanitarian crises in these situations are often trapped in the midst of the conflicts as they carry out their relief and development work. NGOs have found themselves going beyond their traditional relief objectives of providing emergency aid -- in the form of food, water, health care and sanitation -- to serving as a substitute for local government, encouraging the growth of civil society and using negotiation skills to bring rival parties together. As NGOs become increasingly involved in these diffuse roles it has become increasingly recognised that their work forms an important part of the humanitarian interventions and strategies for dealing with conflict. Therefore, the changing nature of both conflict and humanitarian relief has led NGOs and officials of the UN and its member countries to re-examine the roles that NGOs can play in these complex emergencies.

In light of the above, this paper will examine the changing roles of NGOs in the post-Cold War era in order to suggest that NGOs can assume four fundamental roles: 1) the relief and rehabilitation functions that are normally associated with NGOs; 2) human rights monitoring; 3) conflict prevention through early warning; and 4) mediation and reconciliation functions that can be labelled as peace-building functions. Each of these roles will be examined critically in order to demonstrate how NGOs can contribute to achieving long-term peace and security in various conflict areas while minimising potential problems that their involvement may cause. By drawing examples from cases

of humanitarian intervention, such as in Somalia, Rwanda and Bosnia-Herzegovina, suggestions about the usefulness of NGO co-ordination with the military, regional organisations, and the United Nations will be made. In the end, the aim of this paper is to develop an introductory proposal for tapping into the potential strengths of NGO participation in international, regional and local efforts to help resolve increasingly complex conflicts.(1) One should note, however, that due to the length restriction of this paper, the suggestions made below are largely an introduction to possibilities for the future role of NGOs and are designed to stimulate discussion.

Before speaking about the changing roles that NGOs have begun to play in the post-Cold War era, it is first necessary to define two terms that will be used repeatedly throughout this paper: 1) NGOs and 2) complex humanitarian emergencies. While there are many variations of what constitutes an NGO, they are largely "...privately organised and privately financed agencies, formed to perform some philanthropic or other worthwhile task in response to a need that the organisers think is not adequately addressed by public, governmental or United Nations efforts." (Anderson 1996, 344). Some NGOs rely on funding from national governments but all NGOs receive private contributions or are founded with private funds. The NGOs that will be considered herein are non-profit and are private in form but public in purpose. While many NGOs act within their own borders (domestic NGOs), many have defined their mission as working with people in other countries as an alternative or adjunct to official foreign aid (1996, 344). As Andrew Natsios suggests,

> NGOs, in a very tangible sense, have become the foot soldiers in the war against hunger and disease in complex humanitarian emergencies. NGO workers are the ones who manage the health clinics, the emergency child feeding centres, and the truck convoys that deliver food that sustains people in crisis. Although other instruments that form the structure of the response system - the UN, ICRC and the military - perform some of the same tasks themselves, the great bulk of the relief work comes from NGOs (1997b, 56).

Given the increased recognition that action in the sphere of international assistance is likely to have repercussions in the recipient society that go far beyond those foreseen and intended, it is necessary to understand the relationship between NGO involvement and the changing nature of conflicts themselves. This brings us to the second term, complex humanitarian emergencies.

The nature of war has changed significantly since the end of the Cold War. Post-Cold War conflicts have been characterised as being complex humanitarian emergencies that are usually intrastate as opposed to interstate and are compounded by several elements which include ethnic and religious conflict, terrorism, economic disarray, internally displaced people, organised crime and state collapse. Natsios outlines five principle characteristics that capture the nature of post-Cold War conflicts. They are as follows:

> The most visible characteristic, civil conflict, is rooted in traditional ethnic, tribal, and religious animosities.

> The authority of the national government deteriorates to the degree that public services disappear and the political control over the country passes to regional centres of power that include warlords and traditional authority figures.
>
> Mass population movements occur because internally displaced people and refugees want to escape or gain access to food.
>
> The economic system becomes dysfunctional which results in hyperinflation and the collapse of markets.
>
> There is an overall decline in food security that may result in possible widespread starvation (Natsios 1997b, 7).

Why have so many complex emergencies emerged in the post-Cold War period? With the end of bipolarity, power vacuums and power shifts have exposed political ambitions of putative leaders in various locations. In turn, the mood in many societies seems to be that unless one groups is dominant, it shall be dominated by others (Anderson 1996, 350). Most wars are now fought in the living space of civilians which helps to explain why about 85-90 percent of casualties today are civilians. The link between the military and civilians has become blurred. Indeed, the urgent nature of complex emergencies has made NGOs realise that their relief missions involve both peacemaking and peace-building activities (Aall 1996, 436). This shift comes as they examine how and under what conditions they will work with International Organisations, governments and military units that are also engaged in relief efforts. This blurring makes the work of NGOs and the international community, as a whole, very difficult.

As the nature of conflict has changed, so too has the reliance of the international community on NGOs. Why is this the case? One possible explanation is that the number of complex emergencies has ballooned to a level that reaches beyond the capacity of the existing response system. Whereas in the 1960s, there were about ten ongoing wars, in the mid-1990s, there were approximately fifty (Bennett 1995, xiii). Moreover, these conflicts in the 1990s were largely internal rather than interstate and their duration as well as intensity was greater. In the late 1980s the United Nations began to depart from its Cold War position of non-intervention and began accepting the principle of providing relief in conflict situations. However, due to the UN's lack of implementing capacity in relation to demand, NGOs were increasingly subcontracted to carry out humanitarian functions (1995, xvi). One also saw the rise of regional involvement in this capacity. For example, by 1994 the European Union's European Community Humanitarian Office (ECHO), had eighty NGOs sign framework agreements which were based on a sub-contractor approach (ibid). This new interest in NGOs reflects the search for viable approaches in conflict settings at a time when fiscal retraction of donors is combined with increased demands for involvement. In other words, "As part of a 'privatising' of world politics and the emergence of a global civil society, bilateral and multilateral organisations are increasingly relying upon NGOs." (Gordenker and Weiss 1997, 443).

Another reason for the increased involvement of NGOs is due to the change in the nature of conflict itself. Racial, religious, ethnic and tribal rivalries that have replaced the Cold War's ideological clashes are resistant to traditional diplomatic methods (Aall 1996, 434). NGOs by helping to address issues from the bottom-up may offer advantages compared to the top-down style of international diplomatic methods. This possibility will be explored further in the last section of this paper.

NGOs have several strengths which will be highlighted as we examine their four potential roles in helping to resolve complex humanitarian emergencies. At the outset it is worth outlining some potential advantages that NGOs are often citing as having over inter-governmental organisations (IGOs). The first advantage is that transnational NGOs can operate without filtering their services through governmental channels that can often hold up the delivery of services. Second, NGOs tend to have an operating culture whereby a large number of informal contacts are established between government personnel and other NGOs. In a large number of cases, individuals who have worked with NGOs move on to work with IGOs and vice-versa. This helps to create a greater understanding of how each type of organisation operates. Finally, unlike IGOs, NGOs do not necessarily depend on government establishments for their policies to be implemented (Gordenker and Weiss 1997, 446). Because of this last characteristic, NGOs tend not to become victims of the incapacities, misconduct and domination that donor agencies and recipient governments sometimes engage in as member states of IGOs and governing bodies. As we move on to examine the four roles of NGOs in addressing complex humanitarian emergencies, other assets of NGOs will become visible.

The first role to be addressed herein is the one with which we are probably most familiar: providing humanitarian assistance. Humanitarian assistance is guided by the principles of neutrality, proportionality and independence as outlined in the Geneva Convention. The Convention attempts to demarcate a clear line between the politics and the purposes and the assistance to victims (MacFarlane 1999, 538). The problem is, however, that the context of modern conflict and humanitarian emergencies create great difficulties for those trying to adhere to the principles above. As Neil MacFarlane suggests, "Whatever, the motives of humanitarian actors, their actions in today's conditions have significant political implications, and what they do is viewed politically" (1999, 539). Given these realisations, it is necessary to examine the contributions that NGOs can make with regard to humanitarian assistance in their quest to reduce human suffering whilst, at the same time, reducing the possibility of either prolonging or exacerbating the conflict in the recipient society. Despite the fact that NGOs face new challenges in their humanitarian efforts due to the characteristic of complex emergencies, they have always been faced with the possibility that their actions may affect the course and outcome of conflict. However, what is interesting is that there was little pretence of impartiality and neutrality in many pre-1990 humanitarian actions (MacFarlane 1999, 543-547). One example of this was in the case of the refugee camps that emerged in north-western Pakistan as a result of the substantial displacement of people from Afghanistan during the 1978-87 war. Here, the UN, bilateral agencies and NGOs were heavily involved in assisting the displaced but there was no effort to separate combatants and non-combatants; therefore, aid

sustained the operations of one party to the conflict (1999, 547). At the same time, Western NGOs and intergovernmental agencies were not present in government-held areas. In this, and many other conflicts during the Cold War, aid was used essentially as a political instrument in pursuit of superpower aims. Impartiality was not emphasised by many; however, this being said it should be noted that some NGOs, including certain church groups, tried to remain impartial.

In the post-Cold War era, the problem of impartiality still exists but it has less to do with donor's intentions than it does with the changing nature of war as outlined above. During the Cold War, parties to the conflict were heavily dependent on outside support; now however, with conflict strongly rooted in the political and social dynamics of society, the ties to parties outside are less strong (MacFarlane 1999, 548). This shift becomes significant when combined with the changing nature of the refugee regime which is characterised by the huge increase in the number of internally displaced people. Increasingly, access to victims depends on the willingness of parties to a conflict with little leverage available from outside players. The result of this shift is the potential diversion of humanitarian assistance from civilian to military purposes as we saw in the cases of Somalia and Rwanda.(2) This problem of diversion is exacerbated as a result of the blurring of lines between civilians and the military which makes it very difficult for NGOs to know who they are assisting.

What can be done? It has become recognised that field operations alone are not the source of the problem as there are policies, arrangements and operating procedures of aid agency headquarters that feed into and reinforce aid's negative impacts (Anderson 1999, 1-2). As pointed out by Mary Anderson, there are three ways that policies and operating procedures cause field programmes to exacerbate conflicts: 1) they have a centrally-driven focus on aid's imputs that undervalues and distorts impacts; 2) they over-specify recipients which reinforces intergroup divisions; and 3) they use funding and fund-raising approaches that are based on an oversimplification of conflict which victimises one group and blames another (1999, 2). Given these collective challenges, the way to avoid creating negative consequences, may be for aid agencies to establish systems that allow field staff to adjust programme designs on site to avoid increasing intergroup tensions (1999, 7). The field staff requires the latitude to adjust programming approaches on the ground in order to ensure that the aim of meeting 'genuine need' is being met. Encouragingly, the field staff of many aid agencies are now beginning to analyse the impacts of their programmes in the context of the conflicts where they work and they are making adjustments at the field level in an effort to avoid the negative impacts and to promote the positive ones - even if this entails the suspension of aid or complete withdrawal.(3) It should be noted that the concern over donor and headquarter policies is not specific to NGOs. IGO and military personnel also complain about similar issues.

On another level, there is a compelling case to be made for developing a unified aid strategy for addressing complex humanitarian emergencies. While many argue that developing a coherent strategy is unwise because it will probably be the wrong strategy for the given situation, it can also be argued that too often a large number of independent actors work at cross-purposes and undermine each other (Natsios 1997b, 144). This causes chaos in the field and reduces everyone's capacity to achieve their

objectives. For example, as Andrew Natsios suggests, during a food emergency crisis it is very possible that one NGO will be trying to set up feeding centres that bring people away from their homes while at the same time, another NGO is trying to bring them back to their towns in order to resettle them (ibid). Therefore, co-ordination of action between NGOs and other agencies operating in the field is necessary to avoid working at cross-purposes. The international community urgently needs to consider how to co-ordinate the donor community. Perhaps instead of placing the responsibility of co-ordination in the hands of the head of the multinational peacekeeping operations it would be preferable to develop an independent co-ordinating committee.

The second area where NGOs can play a significant role in conflict and humanitarian efforts is in the monitoring of human rights. Human rights organisations commonly identify their primary goals as monitoring and reporting government behaviour on human rights, particularly violations, in order to build pressure and create international machinery to end the violations and to hold the governments accountable (Gaer 1996, 56). There has been a proliferation of human rights NGOs since the mid-1980s and they often pursue aims that depend on their formal mandates, geographical location and preferred means of action (1996, 57). Many national human rights NGOs link with international human rights NGOs in order to broaden their support network. NGOs that work exclusively in the realm of human rights, such as Amnesty International, have found that their ability to reduce violations is enhanced because they can stay focused solely on international norms, treaties and specific legal obligations rather than taking on the complex causes of political and inequality. Overall, human rights organisations try to be independent of both the government and partisan groups who seek to gain political power (Wiseberg 1992, 372-82). As suggested by Felice Gaer, there are three key ways that NGOs can promote human rights:

> By exposing and advocating the end of the abuses. The media can be useful in this regard.
>
> By communicating with decision-makers at the national and international levels so that they can help set their agendas for action.
>
> By delivering services - such as, legal training and broad education so that individuals will be aware of their rights and know how to act should these rights be violated (1996, 57-58).

In the post-Cold War period, new challenges face human rights NGOs in their advocacy efforts at and through the United Nations system. These challenges are occurring despite the growth in procedures and mechanisms and the expansion of human rights into peacekeeping. The tasks facing NGOs due to the changing nature of conflict are simply more complex and require greater skills. In order to illustrate the complexity, it is useful to look at the concept of impartiality.

Most NGOs try to achieve and maintain a relationship with the local players - local leaders, host governments, religious groups - that will do the least harm to themselves and their beneficiaries. Impartiality (even-handed treatment of groups), is the method that most NGOs use to achieve this goal. In effect, they try to stay 'above the fray'.

There are two reasons for this approach: 1) to enhance the security of their staff and material assets; and, 2) so that local populations and beneficiaries do not become pawns in the conflict (Shenstone 1998, 5). Unfortunately, in recent conflicts where the "control, manipulation, and even extermination of entire populations are the very means of war..." impartiality is very difficult to maintain and legitimise (1998, 5). Many believe they have a duty to speak out and to take a strong position through advocacy towards host governments and international players. Therefore, NGOs must always think about the social and political implications of their activities as well as their associations and partnerships between international groups. Despite these challenges NGOs have a crucial role to play in human rights monitoring due their familiarity with the dynamics in the given societal context which allows them a unique sensitivity to the situation. This sensitivity may allow them to recognise, earlier than others, shifts in society that potentially indicate human rights are about to be encroached upon.

This changing set of circumstances and unique connectedness that NGOs can develop leads us on to the third potential role for NGOs in humanitarian efforts - early warning. NGOs are often well placed to play a key role in early warning and preventive action by alerting the international community to possible deteriorating conditions in a country's governance or in intergroup relations (Aall 1996, 437). This advantage comes from NGOs having many connections within local communities. These connections give their relief and development workers the opportunity and ability to identify deteriorating conditions that may lead to conflict. NGOs, through their information, early warning and peace-building actions, can help the international community move from simply responding to crises to preventing their occurrence. Issues for which early warning (6-12 months forewarning) can be deemed beneficial could include: intrastate conflict escalations, genocide, refugee flows, internal displacement of persons, imminent state failure, minorities at risk and impending famine (Aall 1996, 437). Those who receive the information from NGOs can include a combination of the following: prospective victims (in order to warn them), the perpetrators themselves (in order to deter them), intergovernmental and UN agencies, regional organisations, the Secretary-General of the UN, other NGOs, mass media and influential individuals who can lend credence to the warning (Gurr and Harf 1996, 80). However, as many suggest, the lack of early warning may not be the real problem in preventing conflict; rather, it is the lack of political will.

NGOs can also play an active role in helping to create the political will necessary for action at various stages of conflict resolution. They can encourage political action from major players through their advocacy functions which include increasing media attention and the attention of governments to particular issues.

Some suggest that early-warning and preventive action have not been effective in addressing conflicts in the past because the methods used in response to the warnings have been ill conceived. This critique brings us to the fourth and final role that will be addressed in this paper: the role of NGOs in mediation and reconciliation. Characteristics of the post-Cold War order have encouraged policy-makers to turn their focus to not only traditional humanitarian aid, but also conflict resolution and reconciliation functions. As mentioned previously, during the Cold War, the two

superpowers tended to concentrate power in the leadership of a particular government or rebel movement. The tendency to limit the number of sides to a conflict made negotiations much simpler and increased the likelihood of a successful outcome. However, with the breakdown of authority and the rise in numerous sides with their own power base, there is a much more remote possibility of achieving bargaining success (Natsios 1997a, 338). As John Paul Lederach suggests, NGOs in these cases may be able to manage conflict more effectively due to their special qualities which include having a particular insight into different cultures, having relationships with local partners, and an ability to see the links between crisis management and long-term sustainable development (Lederach, 1997). This is one reason that policymakers have increased their reliance on NGOs, which tend to be deeply rooted in society and, therefore, can be seen as a source of indigenous authority for mediation between warring parties. Indeed, where government has collapsed entirely, religious institutions and NGOs may be the only source of authority that has any influence. This advantage may be due to the absence of traditional elites who have been either killed or have fled, leaving warlords in their place. Whereas diplomats are accustomed to dealing with other diplomats and elites, many NGOs are use to working at the grass-roots and middle-range levels[(4)] and in the absence of any other levers of influence. These qualities may be very valuable to the peace process.

It should also be recognised that not only has there been a shift to diffuse centres of power, there has also been a diffusion within the centres themselves as the political and military hierarchies in the affected society collapse (Natsios 1997a, 340). As seen in Somalia, with the rise of the young men who led militias, factional leaders may be negotiating with little authority; therefore, whatever they agree to may not be enforceable. Again, NGOs because of their diffuse linkages may be more effective in these situations than traditional diplomatic players who tend to rely on the assumption that those who are sitting at the negotiating table have the necessary authority to ensure the terms of an agreement are carried out.

The NGO approach to mediation and conflict resolution can take on several forms:

> employing traditional conflict-resolution models such as bargaining, negotiation, third party mediation and reconciliation.
>
> Attempting to address the root causes of conflicts which can usually be traced to economic, social and political inequalities in host countries.
>
> Creating neutral forums where informal lines of communication can be established between rival groups.
>
> Through mass education campaigns to provide the population with impartial information.
>
> Through economic programmes that attempt to create work for men who might otherwise be recruited into the military or militia groups (Natsios 1997a, 352).

Much of the conflict resolution work that is conducted by NGOs does not follow any particular analytically developed approach; instead, their work is usually based upon the practical need of those working in the midst of conflict to deal with its effects. In the case of NGOs who were engaged in conflict-resolution programming in Burundi - including Refugees International and Search for Common Ground - methods used included radio broadcasts on interethnic harmony, reconciliation retreats for civic leaders and the production and distribution of educational materials to schools that promoted peace (Natsios 1997a, 352-353)

Related to the approaches that NGOs can use in mediation, conflict resolution and early-warning is the notion of 'flash-points' and how they affect the outcome of humanitarian efforts. A flash-point, as defined by Joseph Bock and Mary Anderson is "…an occurrence that causes the tip-over from the usual state of non-violence to a state of open violence." (1999, 332-333). It involves injury that is seen to represent the group - a deliberate action of one identity and group against another identity group. Flash-points are unlikely to occur in a vacuum; rather, they occur where tension is mounting and where there is a climate of intergroup suspicion (ibid). Therefore, the traditional conflict prevention approaches that emphasise 'good will' based on the promotion of trust are unlikely to be effective in these situations. Instead, it is becoming recognised that helping to foster the ability in local populations to avert flash-points will be the most effective way to avoid the initial outbreak or re-emergence of violence. How can NGOs do this?

While NGOs can engage in peace-building by educating people to respect the rights of minorities, as the ICRC did in Burundi, they can also engage in another kind of approach: building leadership (Bock and Anderson 1999, 334). The idea behind building leadership is that the pre-emptive investment in people who are trained in how to respond quickly to situations of eminent conflict is critical to avoiding a downward spiral into violence. The skills that are involved in leadership should be focused on 1) ways to promote a sense of belonging and inclusiveness and 2) ways to manage both information and misinformation (ibid). The reason for stressing a 'belongingness paradigm' is so that local communities can learn to redress old wrongs and work towards enlarging their group identities and linkages with other groups instead of getting caught up in past wrongdoings.[5]

In closing, this paper has attempted to raise four potential roles that NGOs can assume in helping the international community to deal with complex humanitarian emergencies. These roles include relief and rehabilitation, human rights monitoring, conflict prevention through early warning and mediation and reconciliation functions. At this point it should be clear that these roles are not necessarily carried out separately but sometimes overlap. Not all NGOs will be involved in all four roles at the same time however, because there may at times be an inherent incompatibility of roles. For example, properly monitoring human rights abuses, running relief programmes and carrying out policy advocacy in a complex emergency situation will probably disqualify that particular NGO from participating in conflict mediation and reconciliation where absolute neutrality is essential (Natsios 1997b, 169). Keeping this in mind, NGOs must decide where their commitments and skills lie and where they

can be the most effective in a given situation. Finally, it should also be noted that NGOs should not be expected to take on this work alone as an adequate response to these crises. Efforts will necessarily involve the UN system, regional organisations, donor agencies, NGOs and military units.

One of the greatest challenges that the international community faces is dealing with the plethora of complex humanitarian emergencies that have arisen in recent years. Yet, there is little consensus on how NGOs, donor governments, UN agencies, regional organisations and military units should co-ordinate their efforts.[6] Some suggest that each agency should 'do its own thing' but we can see from past experiences that this is not the best approach. Conflicting strategies, practices and objectives frequently cancel each other out. Instead what should be developed is a coherent strategy that can direct resources so that the course of conflict (if not prevented) can be shaped towards a favourable outcome. Moreover, without coherent objectives outlined by a unified strategy the international community will not be able to determine whether their policies are, in fact, working. Indications of this problem are already emerging in Bosnia at this time.

Clearly, the response system cannot continue to function as it does now. The system is overcommitted and the tide of complex emergencies continues. As the international community begins to develop operational guidelines, it must be recognised that the ultimate responsibility for moving the affected society from a state of conflict to long-term peace and stability rests with its people and government. Therefore, actors should focus on helping to create a conciliatory environment that will allow a strong civil society to flourish over time. A strong civil society requires the emergence of cross-cutting associations throughout society which evolve in a society that is based on participation, accountability and which has the ability to undergo peaceful change (Ewert 1999, 16). The process will be neither trouble-free nor short-term. NGOs have many strengths that can contribute to these efforts; therefore, given the collective considerations that have been mentioned above, it is imperative that a coherent strategy be formed so that complex humanitarian emergencies can be addressed more effectively in the future.

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Footnotes

1. The author makes little claim for originality as many of the ideas expressed here have been raised elsewhere; although, not necessarily in the same fashion.

2. As John Prendergast indicates, although the humanitarian response in Rwanda was key to preventing higher mortality rates in the refugee camps, the UN, the OAU, donor countries and aid agencies were politically unwilling to separate the refugees from the organisers of the genocide. Therefore, humanitarian aid reinforced the authority structures of those who perpetrated the genocide (1997, 170-171).

3. Doctors Without Borders chose to leave North Korea in 1998, even though it was the first independent humanitarian organisation to gain access in 1995, because they came to realise that their assistance could not be given freely and independently of political influence and state authority (Orbinsky 2000, 13).

4. For further elaboration on the three levels of actors involved in peace-making please see Lederach 1994, 1-7.

5. From the case of Bosnia-Herzegovina, several lessons have emerged with regard to leadership and overall strategy: 1) use participatory programming in post-conflict relief work in order to strengthen the community; 2) empower community leaders to create their own solutions by working through partnerships within a community; 3) help the whole community to improve conditions rather than only focussing on refugees or minorities; 4) where possible, direct humanitarian resources through private sector channels to promote multiethnic, cross-entity relationships; 5) create a donors strategy and set of co-ordinating principles to accomplish the strategy; and 6) strengthen the public sector at the canton level to establish partnerships with the emerging civil society (Demichelis 1998, 14-15).

6. One of the big questions for NGOs has become their relationship with the military. In the past, the Canadian Department of National Defence has had little interest in having dialogue with NGOs. Perhaps this is now changing as evidenced by the inclusion of a Care Canada representative at NDHQ.

Feedback from the Graduate Students

Thank you once again for inviting me to a very enjoyable, interesting, and productive conferece. As young academics, it was good to have the chance to present and receive feedback in a relaxed yet structured environment. This certainly will help us in future work and presentations.

Chris Spearin

Thank you so much for putting together an amazing seminar which turned out to be a fascinating learning experience. It was an honour to meet you as well as the other students and open my eyes to the wider complexities of Human Security.

Priya Sood

It was nice to have met so many young and talented people! Also, thanks again for CCFP for organizing this fantastic event!

Julie Sagaldo

Thanks again for the opportunity to participate in the graduate symposium. I would also appreciate it if you could extend my thanks to Yannick and to Steve. It was a fantastic week.

Orrick White